THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 7 NUMBER 196

Washington, Tuesday, October 6, 1942

The President

EXECUTIVE ORDER 9250

PROVIDING FOR THE STABILIZING OF THE NATIONAL ECONOMY

By virtue of the authority vested in me by the Constitution and the Statutes, and particularly by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes", as President of the United States and Commander in Chief of the Army and Navy, and in order to control so far as possible the inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I—ESTABLISHMENT OF AN OFFICE OF ECONOMIC STABILIZATION

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2. There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President. The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war. To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4. The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize the cost of living in accordance with the Act of October 2, 1942; and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end. The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

TITLE II—WAGE AND SALARY STABILIZATION POLICY

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

(Continued on next page)

CONTENTS

THE PRESIDENT

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this

title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of $5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. No decrease shall be made in the salary for any particular work below the highest salary paid therefore between January 1, 1942 and September 15, 1942 unless to correct gross inequities and to aid in the effective prosecution of the war.

7. In order to correct gross inequities and to provide for greater equality in contributing to the war effort, the Director is authorized to take the necessary action, and to issue the appropriate regulations, so that, insofar as practicable, no salary shall be authorized under Title III, Section 4 to the extent that it exceeds $25,000 after the payment of taxes allocable to the sum in excess of $25,000: Provided, however, that such regulations shall make due allowance for the payment of life insurance premiums on policies heretofore issued, and required payments on fixed obligations heretofore incurred, and shall make provision to prevent undue hardship.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302 (c) of the Emergency Price Control Act of 1942 are inconsistent with this Order, they are hereby suspended.

TITLE III—ADMINISTRATION OF WAGE AND SALARY POLICY

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No. 9017,[1] and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedures specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and Federal departments and agencies as, in the discretion of the National War Labor Board, may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order. The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942, any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the Government of the United States.

TITLE IV—PRICES OF AGRICULTURAL COMMODITIES

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942.

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942.

4. The provisions of sections 3 (a) and 3 (c) of the Emergency Price Control Act of 1942 are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

TITLE V—PROFITS AND SUBSIDIES

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant.

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order.

TITLE VI—GENERAL PROVISIONS

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act, the National Labor Relations Act, the Walsh-Healey Act, the Davis-Bacon Act, or the adjustment procedure of the Railway Labor Act.

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever, (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. "Salaries" as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942.

5. The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise therof shall be final.

[1] 7 F.R. 237.

6. The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 3, 1942.

[F. R. Doc. 42-9889; Filed, October 3, 1942; 1:04 p. m.]

EXECUTIVE ORDER 9242-A

AMENDING EXECUTIVE ORDER NO. 9158 OF MAY 11, 1942 TO PROVIDE THAT THE AIR MEDAL MAY BE AWARDED TO PERSONS SERVING WITH THE ARMY, NAVY, MARINE CORPS, OR COAST GUARD OF THE UNITED STATES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that the first paragraph of Executive Order No. 9158 of May, 11, 1942,[1] establishing the Air Medal, be, and it is hereby amended to read as follows:

"By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that an Air Medal, with accompanying ribbons, be established for award to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States, subsequent to September 8, 1939, distinguishes, or has distinguished, himself by meritorious achievement while participating in an aerial flight."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 11, 1942.

[F. R. Doc. 42-9873; Filed October 3, 1942; 11:55 a. m.]

EXECUTIVE ORDER 9249

AUTHORIZING THE SECRETARY OF AGRICULTURE TO ACQUIRE AND DISPOSE OF PROPERTY

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress), the Secretary of Agriculture is hereby authorized to exercise, through such officials of the Department of Agriculture and its agencies as he may designate, the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the Emergency Rubber Project of the Department of Agriculture or in connection with the storing and warehousing of agricultural commodities and products by the said Department.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 1, 1942.

[F. R. Doc. 42-9829; Filed, October 2, 1942; 2:47 p. m.]

[1] 7 F.R. 3541.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 29—THE FEDERAL LAND BANK OF WICHITA

REAMORTIZATION FEES

Section 29.6 of Title 6, Code of Federal Regulations, as amended February 28, 1939 (4 F.R. 1377), as amended January 4, 1940 (5 F.R. 295), is amended to read as follows:

§ 29.6 *Reamortization fees.* No fee shall be charged for the reamortization of Federal land bank loans, Land Bank Commissioner loans, or joint Federal land bank and Land Bank Commissioner loans, but applicants will be required to pay such out of pocket costs as abstract charges, recording fees, and other incidental items incurred in the reamortization of such loans. (Sec. 13 "Thirteenth," as added by sec. 4, 47 Stat. 1548, secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Thirteenth," 1020, 1020a, and Sup.; 6 C.F.R. 19.4043) [Res. Ex. Com., Sept. 21, 1942.]

THE FEDERAL LAND BANK,
OF WICHITA.

[SEAL] C. G. SHULL, *President.*

[F. R. Doc. 42-9891; Filed, October 3, 1942; 10:31 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS

INDEMNITY PAYMENT ADJUSTMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1942 Cotton Crop Insurance Contract Regulations are amended as follows:

Section 411.14[1] of the 1942 Cotton Crop Insurance Contract Regulations is amended to read as follows:

§ 411.14 *Adjustments in connection with indemnity payments.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per pound other than that used in making settlement under the certificate of indemnity originally issued. (Secs. 506 (e), 516 (b); 52 Stat. 75, 77; 7 U.S.C. 1506 (e), 1516 (b)).

Adopted by the Board of Directors on August 19, 1942.

[SEAL] M. CLIFFORD TOWNSEND,
Chairman of the Board.

Approved: October 3, 1942.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-9865; Filed, October 3, 1942; 11:58 a. m.]

[1] 6 F.R. 6442.

Chapter VII—Agricultural Adjustment Agency

[ACP-1942-14]

PART 701[1]—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

ALLOTMENTS, YIELDS, GRAZING CAPACITIES, ETC.

Pursuant to the authority vested in the secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.301 (g) (8) (i) is amended by inserting an "(a)" just following the word "except" and adding the following at the end thereof:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.* * * *

(g) *Wheat.* * * *

(8) *Deduction.*—(i) *Wheat-allotment farms.* * * * and (b) that on any farm in the Southern Region except Oklahoma and Texas, which comprised more than one farm under the 1941 Agricultural Conservation Program but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction for the excess wheat acreage shall be the deduction computed for the excess wheat acreage on the combined farm but not to exceed the larger of (1) the deduction which would have been computed had there been no combination for 1942 or (2) the wheat payment for the combined farm.

2. Section 701.301 (g) (8) (ii) is amended by changing the period at the end to a colon and adding the following:

(ii) * * * *Provided*, That for any farm in the Southern Region except Oklahoma and Texas, which in 1941 comprised more than one farm but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction shall not exceed the deduction which would have been computed had there been no combination for 1942.

3. Section 701.301 (i) (1) the first paragraph is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* * * * (1)

[1] 6 F.R. 4111, 5520, 5581, 6472; 7 F.R. 56, 923, 1410, 1825, 2287, 2771, 3146, 4509, 5035.

Minimum conserving acreage. The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 5 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively, throughout the 1942 crop year, to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Adjustment Agency, is less than 20 percent of the cropland on the farm: *Provided, however,* That when all or a part of the cropland on a farm has been acquired for the purpose of the national war effort or was flooded in 1942 and it would be impracticable or inequitable to require compliance with the soil-conserving use requirements on the basis of the total cropland in the farm, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement:

* * * * *

4. Section 701.301 (i) (1) (xii) is amended to read as follows:

(xii) New seedings of perennial grasses or legumes, biennial legumes, or lespedeza seeded in accordance with good farming practice with flax, peas, or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to the 1942 acreage of flax plus 40 percent of the sum of the 1942 acreages of the following crops on the farm: Soybeans for beans, peanuts for oil, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, American-Egyptian cotton and land used for school lunch gardens.

* * * * *

5. Section 701.301 (i) (2), the first paragraph, is amended to read as follows:

(2) *Minimum acreage of erosion-resisting crops.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of erosion-resisting crops and land uses on the farm is less than 25 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county shall be determined by the State committee, with the approval of the Agricultural Adjustment Agency, and may include only cropland which is devoted in the program year to one or more of the following crops or uses: *Provided, however,* That when all or a part of the cropland in a farm has been acquired for the purpose of the National war effort or was flooded in 1942 and it would be impracticable or inequitable to require compliance with the soil-conserving use requirements on the basis of the total cropland in the farm, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement:

* * * * *

6. Section 701.301 (i) (2) is further amended by changing the item pertaining to winter legumes, rye grass, and small grains contained in the list of erosion-resisting crops and uses to read as follows:

(2) *Minimum acreage of erosion-resisting crops.* * * *

Winter legumes, rye grass, and small grains (except wheat) seeded in the fall of 1942 on land from which castor beans produced from seed furnished by the Agricultural Adjustment Agency, Sea Island cotton, flax, hemp, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, sorgo for alcohol, or peanuts, are harvested, land used for school lunch gardens, or land on which a good stand of volunteer wheat is turned under, in 1942. The maximum acreage which may qualify under this item shall be limited to 12½ percent of the cropland but not in excess of the sum of the 1942 acreages of castor beans produced from seed furnished by the Agricultural Adjustment Agency, Sea Island cotton, flax, hemp, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, sorgo for alcohol, and land used for school lunch gardens plus the amount by which the 1942 acreage of peanuts exceeds the 1942 peanut allotment, and land on which a good stand of volunteer wheat is turned under.

* * * * *

7. Section 701.301 (i) (4) is amended to read as follows:

(4) *Minimum soil-building performance.* The payment made with respect to special crop allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under subparagraphs (1) to (3), inclusive, of paragraph (d), § 701.302, which is earned for the farm, except that such limitation will not be applicable if (i) the amount of the soil-building payment earned equals or exceeds the maximum payment computed in connection with special crop allotments, or (ii) the farm is retired from agricultural production during the 1942 program year: *Provided,* That in areas designated by the Agricultural Adjustment Agency, cropland which the county committee determines is subject to annual overflow will not be used in computing the part of the soil-building allowance used for the purpose of this subparagraph. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Agency as areas where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included.

* * * * *

8. Section 701.301 (j) (2) is amended to read as follows:

(j) *Miscellaneous.* * * *

(2) *Deduction for breaking out permanent vegetative cover.* $3 for each acre of native sod, land previously designated as restoration land which has been reclassified as noncrop pasture or range land, or any other land on which a permanent vegetative cover has been established, broken out during 1942 program year in an area designated by the Agricultural Adjustment Agency as an area subject to serious wind erosion unless the acreage was broken out with the approval of the county committee for the planting of forest trees or the county committee determines in accordance with the standards established by the State committee with the approval of the Agricultural Adjustment Agency that the land broken out is suited to the continuing production of cultivated crops and will not become a wind erosion hazard to the community.

* * * * *

9. Section 701.309 (a) (2) is amended to read as follows:

§ 701.309 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.*

* * * * *

(2) Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated during the 1942 program year: *Provided, however,* That in areas designated by the Agricultural Adjustment Agency as areas in which substantial numbers of farms are determined to be farms on which the farming operations were so far short of full operation that, under such instructions as may have been issued prior to September 1, 1942, they would have been regarded as not operated, and the shortage of operation was brought about by causes beyond the control of the operators of such farms, payments other than soil-building practice payments on farms determined to be not operated will be computed on the basis of the smaller of (1) the acreage allotments or (2) 125 percent of the planted acreage of each crop for which an acreage allotment is determined for the farm.

* * * * *

(Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 1940 ed. 590g–509q; 55 Stat. 257, 860; Public Law 439, approved February 6, 1942.)

Done at Washington, D. C., this 5th day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-9902; Filed, October 5, 1942; 11:16 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NORFOLK HORSE AND MULE COMMISSION SALES CO.

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 3, 1942.

Otto Emrich, doing business as Norfolk Horse and Mule Commission Sales Co., Norfolk, Nebraska.

Whereas, the Norfolk Horse and Mule Commission Sales Co. was posted on November 12, 1936, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Norfolk Horse and Mule Commission Sales Co. is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, Therefore, Notice Is Hereby Given that the Norfolk Horse and Mule Commission Sales Co. no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-9856; Filed, October 3, 1942; 11:58 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT OF WARRANT OFFICERS

Section 73.301 (a) (4), (9), (11), and (16) is hereby amended and ction 73.319 (h) is added, as follows:

§ 73.301[2] *Classifications.* (a) Warrant officers will be examined and appointed to cla.. ifications within the arms and services as follows:

* * * * *

(4) *Cavalry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, animal transport, and signal communication.

* * * * *

(9) *Field Artillery*—(i) *Administrative.* Clerical, supply, and fiscal.

(ii) *Technician specialists.* Signal communication, animal transport, and motor transport.

* * * * *

(11) *Infantry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, animal transport, munitions (ammunition), and signal communication.

* * * * *

(16) *Quartermaster Corps—Technician specialists.* Motor transport and animal transport. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 4*a*, AR 610-10, Sept. 13, 1941, as amended by C 3, Sept. 21, 1942]

* * * * *

§ 73.319 *General scope of final examination (technical) technician specialists.*

* * * * *

(h) *Animal transport.* Practical knowledge of fitting and use of pack saddles and auxiliary harness and equipment, lashing and hitching of all types of loads to pack animals, breaking and training of horses and mules, and care and feeding of riding, draft, and pack animals. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 37½, AR 610-10, Sept. 13, 1941, as added by C 3, September 21, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9828; Filed, October 2, 1942; 2:26 p. m.]

PART 79—PRESCRIBED SERVICE UNIFORM

INSIGNIA OF GRADE

Section 79.25 (d) (3) and (4) is hereby amended to read as follows:

§ 79.25 *Insignia of grade.*[1]

* * * * *

(d) *Enlisted men.*

* * * * *

(3) *First sergeant (first grade).* Three chevrons and an arc of three bars, the upper bar of arc forming a tie to the lower chevron. In the angle between lower chevrons and upper bar, a hollow lozenge.

(4) *Technical sergeant (second grade).* Three chevrons and an arc of two bars, the upper bar of arc forming a tie to the lower chevron. (R.S. 1296; 10 U.S.C. 1391) [Par. 25*d*, AR 600-35, November 10, 1941, as amended by C 3, September 22, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9827; Filed, October 2, 1942; 2:26 p. m.]

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND CHAPLAINS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, AND MEDICAL ADMINISTRATIVE CORPS, REGULAR ARMY

Sections 73.1 to 73.5 are retained without change in revision of Army Regulations No. 605-20, dated August 19, 1942.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9892; Filed, October 5, 1942; 10:31 a. m.]

Chapter VII—Personnel

PART 70—THE ARMY NURSE CORPS[1]

All sections under Part 70 as published in the FEDERAL REGISTER May 27, 1941 (6 F.R. 2568) are rescinded and the following regulations are substituted therefor.

Sec.
70.1 Composition.
70.2 Rights and privileges.
70.3 Appointment and promotion.
70.4 Place of first assignment.
70.5 Duties of the Army Nurse Corps.
70.6 Quarters, allowances, and supply of furniture and linens.
70.7 Subsistence at Army hospitals.
70.8 Transportation and traveling expenses.
70.9 Leave of absence.
70.10 Reserve nurses.

AUTHORITY: §§ 70.1 to 70.10, inclusive, issued under 40 Stat. 879, 41 Stat. 767; 10 U.S.C. 161, 164.

§ 70.1 *Composition.* (a) That the Nurse Corps * * * of the Medical Department of the Army shall hereafter be known as the Army Nurse Corps, and shall consist of 1 superintendent, who shall be a graduate of a hospital-training school having a course of instruction of not less than 2 years; of as many chief nurses, nurses, and reserve nurses as may from time to time be needed and prescribed or ordered by the Secretary of War, and, in the discretion of the Secretary of War, of not exceeding 6 assistant superintendents, and, for each army or separate military force beyond the continental limits of the United States, 1 director and not exceeding 2 assistant directors of nursing service, all of whom shall be graduates of hospital-training schools and shall have passed such professional, moral, mental, and physical examination as shall be prescribed by the Secretary of War. (Act July 9, 1918; 40 Stat. 879; 10 U.S.C. 161.)

(b) Unless otherwise indicated, the term "nurse" as used in these and other regulations means any member of the Army Nurse Corps regardless of grade.

(c) The grades, with relative rank, which may be held by an Army nurse are, in the order of their importance, from the lowest to the highest:

(1) Nurse and Reserve nurse (with relative rank of second lieutenant).

(2) Chief nurse (with relative rank of first lieutenant).

(3) Assistant director (with relative rank of captain).

(4) Director (with relative rank of captain).

(5) Assistant superintendent (with relative rank of captain).

(6) Superintendent (with relative rank of major).

(See section 10, national defense act, as amended by act June 4, 1920 (41 Stat. 767; 10 U.S.C. 164))

(d) The regulations in this part embrace primarily the administrative requirements of the Army Nurse Corps. [Par. 1]

§ 70.2 *Rights and privileges.* The following rights and privileges are pre-

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[1] Modifies list posted stockyards 9 CFR 204.1.

[2] 7 F.R. 801, 2425.

[1] 7 F.R. 11, 1532, 5037.

[1] The regulations in §§ 70.1 to 70.10 are also contained in AR 40-20, August 15, 1942.

scribed for the Army Nurse Corps by the Secretary of War in accordance with the act of June 4, 1920 (41 Stat. 768).

(a) They will be accorded the same obedience from enlisted men and patients in and about military hospitals as is accorded commissioned officers.

(b) They are not eligible for detail as members of courts martial, but may prefer charges against any member of the military service.

(c) They are entitled to the same privileges and allowances, except mileage, as are prescribed for commissioned officers of grades corresponding to their relative rank; and in general all such personal privileges and perquisites, not specifically denied them, as go with commissioned rank and are customarily enjoyed by commissioned officers.

(d) In all reports, returns, orders, and other official documents the titles corresponding to the relative rank conferred upon nurses will be used in the same manner as is prescribed for commissioned officers.

(e) They will be governed by the same censorship regulations as are prescribed for commissioned officers. [Par. 2]

§ 70.3 *Appointment and promotion*—(a) *General.* Original appointments in the Army Nurse Corps will be in the grades of nurse and Reserve nurse. Appointments in all grades, except that of superintendent, are made by The Surgeon General with the approval of the Secretary of War. (See act July 9, 1918 (40 Stat. 879; 10 (U.S.C. 162).)

(b) *Original appointment.* (1) Application for appointment should be made to The Surgeon General who will furnish blanks therefor.

(2) The applicant must be a graduate of an accredited high school or have an education equivalent thereto, unmarried, a registered nurse, and a citizen of the United States.

(3) *Age requirements.* (i) In grade of nurse between 22 and 30 years.

(ii) In grade of Reserve nurse, between 21 and 40 years.

(4) The physical standard and examination of applicants will be governed by the provisions of AR 40–100.[2]

(5) A professional examination will not ordinarily be required, though it may be when deemed necessary by The Surgeon General. An applicant will not be eligible for appointment unless she is a graduate of a school of nursing of approved standards, or has a record of desirable postgraduate training or experience. The applicant's qualifications will be evaluated on her record as a student and on her performance as a nurse.

(6) The applicant will agree to serve for the periods indicated, except in time of national emergency, when this requirement may be waived;

(i) Grade of nurse, 3 years.

(ii) Grade of Reserve nurse, 1 year. [Par. 3]

§ 70.4 *Place of first assignment.* In time of peace the nurse's first assignment will ordinarily be to a station in the United States, to afford her an opportunity to become acquainted with military customs. [Par. 7]

§ 70.5 *Duties of the Army Nurse Corps.*—(a) *General.* Rules and regulations prescribing the duties of the Army Nurse Corps will be prescribed by The Surgeon General of the United States Army, subject to the approval of the Secretary of War.

(b) *Hours of duty.* So far as practicable, a daily tour of duty will not exceed 8 hours. The hours of duty for all members of the Army Nurse Corps will be prescribed by the principal chief nurse. [Pars. 10 and 11]

§ 70.6 *Quarters, allowances, and supply of furniture and linens.*—(a) *Quarters in kind.* The allowance of quarters where quarters in kind are available will include, when practicable, 1 dining room, 1 kitchen, 1 sitting room, and the necessary toilet and utility rooms, for the common use of all nurses, and a separate bedroom for each nurse; also an office, and a separate sitting room and bathroom for the principal chief nurse.

(b) *Supply of furniture and linens.* The Medical Department will supply the necessary furniture and care for the quarters of nurses on duty in hospitals. Sheets, towels, pillowcases, table linens, and other washable articles so supplied will be laundered as a part of the hospital linen. [Par. 12]

§ 70.7 *Subsistence at Army hospitals.* The commanding officer of a hospital will provide suitable meals and proper messing facilities, including necessary equipment and service for nurses on duty at his hospital. At the Army and Navy General Hospital, Hot Springs, Ark., this subsistence charge will be 60 cents per day. At other hospitals, the charge will be the full amount of the nurses' authorized subsistence allowance; but if at any time the approved expenditures of the nurses' mess exceed its current income from individuals and its accumulated reserve in the hospital fund, the members will be charged such additional pro rata assessments as may be necessary to prevent a deficit. While patients in hospital, all nurses, active or retired, will pay into the general account of the hospital fund, on the subsistence basis of officer patients, except at Army and Navy General Hospital and Fitzsimons General Hospital. (See AR 40–600.[3])

§ 70.8 *Transportation and traveling expenses.* Nurses traveling under orders are entitled to transportation at public expense. The Quartermaster Corps will ordinarily furnish the required transportation in kind or will issue transportation requests upon common carriers for the same. [Par. 14]

§ 70.9 *Leave of absence*—(a) *Annual.* Under the provisions of section 5, Chapter 5, Act of July 9, 1918 (40 Stat. 879–880) nurses are entitled to leave of absence with pay and allowances at the rate of thirty days for each calendar year of service in the corps. The leave year will be reckoned in each case from the date of execution of oath, as it appears on her letter of appointment. A leave credit of 2½ days for each month of completed service and leave with pay under her appointment will be allowed, against which will be charged all absence on leave with pay, except absence on sick leave. Leave credits will not be allowed for periods of absence without pay. Unused leave credits may accumulate to an aggregate not exceeding 120 days. Leave to the amount of accumulated unused leave credits may be granted whenever the exigencies of the service permit. Final leave effective prior to discharge will be granted to the amount of accumulated credits. A leave credit accruing but unused under one appointment may be carried over and become available under a subsequent appointment, provided the service is continuous. (See AR 35–2020.[4])

(b) *Sick leave.* In addition to the ordinary leave hereinbefore referred to, a nurse incapacitated for duty by reason of illness of injury incurred in the line of duty is entitled to sick leave not exceeding 30 days in any one calendar year. (See AR 35–2020.[4])

(c) *Leave without pay.* Under exceptional circumstances a leave of absence without pay and allowances may be granted to a nurse for a period of not exceeding 90 days, if in the opinion of her commanding officer such privilege would not be in conflict with the interests of the service. [Par. 16]

§ 70.10 *Reserve nurses*—(a) *Procurement and appointment.* Nurses for appointment in the grade of Reserve nurse will be selected from the roster of enrolled nurses of the American Red Cross Nursing Service, or any other acceptable source.

(b) *Regulations governing.* The nurse appointed in the Army Nurse Corps in the grade of Reserve nurse becomes subject to all regulations governing Army nurses. [Par. 20]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9918; Filed, October 5, 1942; 11:36 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 204—RESERVES OF MEMBER BANKS

AMENDMENT

On October 2, 1942, the Board of Governors of the Federal Reserve System amended § 204.5[5] [Supplement to Regulation D], effective as to each member bank at the opening of business on October 3, 1942, to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a)[6] of this Part, the Board of Governors of the Federal

[2] Administrative regulations of the War Department relative to physical examination.

[3] Administrative regulations of the War Department relative to general hospitals.

[4] Administrative regulations of the War Department relative to pay of Army nurses.

[5] 7 F.R. 7221.

[6] 7 F.R. 5475.

Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

6 per cent of its time deposits plus—
14 per cent of its net demand deposits if not in a reserve or central reserve city;
20 per cent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 per cent reserves against its net demand deposits;
20 per cent of its net demand deposits if located in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 per cent or 20 per cent reserves against its net demand deposits.

Section 204.5 of this Part which was previously issued is hereby revoked and superseded.

(Sec. 11 (c), (e), (i), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 706, sec. 324, 49 Stat. 714, Public No. 656, 77th Congress; 12 U. S. C. 248 (c), (e), (i), 462, 466, 12 U. S. C., Sup. 462b, 461, 462a1, 465).

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-9863; Filed, October 3, 1942; 11:41 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 4679]

B. & L. HAT COMPANY

§3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* In connection with offer, etc., in commerce, of hats, (1) representing that hats composed in whole or in part of used or second-hand materials are new, or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of second-hand or used materials; and (2) representing in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials; prohibited, subject to the provision, however, as respects former prohibition, that if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then such statement may be stamped upon the exposed surface of such bands, provided that said stampings are of such nature that they cannot be removed or obliterated without mutilating the band and the band itself cannot be removed without rendering the hat unserviceable; and subject to further provision that no provision of order in question shall be construed as relieving respondents in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, B. & L. Hat Company, Docket 4679, September 28, 1942]

In the matter of Ben D. Fogel and Louis Singer, individually and trading as B. & L. Hat Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents (which admitted the principal allegations of the complaint), testimony and other evidence in further support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it (no evidence being offered by respondents), report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Ben D. Fogel and Louis Singer, individually and trading as B. & L. Hat Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that hats composed in whole or in part of used or second-hand materials are new, or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of second-hand or used materials: *Provided*, That if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then such statement may be stamped upon the exposed surface of such bands: *Provided further*, That said stampings are of such nature that they cannot be removed or obliterated without mutilating the band and the band itself cannot be removed without rendering the hat unserviceable.

2. Representing in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That no provision in this order shall be construed as relieving respondents in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

By the Commision.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9858; Filed, October 3, 1942; 11:48 a. m.]

[Docket No. 4628]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHERMAN HAT COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods — Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* In connection with offer, etc., in commerce, of hats, (1) representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of secondhand or used materials; and (2) representing in any manner that hats made in whole or in part from old, used, or secondhand materials are new or are composed of new materials; prohibited, subject to the provision, however, as respects former prohibition, that if substantial bands placed similarly to sweat bands in men's hats are attached to said hats, then such statement may be stamped upon the exposed surface of such bands, provided that said stampings are of such nature that they cannot be removed or obliterated without mutilating the band, and the band itself cannot be removed without rendering the hat unserviceable; and subject to further provision that no provision or order in question shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of

the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Sherman Hat Company, Docket 4628, September 28, 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of the complaint, taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and brief filed by counsel for the Commission; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Sherman Hat Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of hats in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of secondhand or used materials: *Provided*, That if substantial bands placed similarly to sweat bands in men's hats are attached to said hats, then such statement may be stamped upon the exposed surface of such bands: *Provided, further*, That said stampings are of such nature that they cannot be removed or obliterated without mutilating the band, and the band itself cannot be removed without rendering the hat unserviceable;

(2) Representing in any manner that hats made in whole or in part from old, used, or secondhand materials are new or are composed of new materials.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9859; Filed, October 3, 1942; 11:48 a. m.]

[Docket No. 4214]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MEMORIAL GRANITE COMPANY, INC.

§ 3.6(r) *Advertising falsely or misleadingly—Prices—Adequacy and additional charges unmentioned:* § 3.6(r) *Advertising falsely or misleadingly—Prices—Comparative.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent's products are offered for sale at savings of 30 to 50 percent or at any other savings in excess of the actual savings from prices charged by other manufacturers or dealers for products of like quality and design; and (2) that the cost of erection is included in the price of a monument or tombstone when the purchaser is required to provide for and pay the cost of the foundation for such tombstone or monument; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Memorial Granite Company, Inc., Docket 4214, September 28, 1942].

§ 3.6(a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, using pictorial representations or composite pictures, in advertising or in any other manner, which inaccurately portray or misrepresent the size or appearance of respondent's place of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Memorial Granite Company, Inc., Docket 4214, September 28 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of the complaint, taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence and brief filed by counsel for the Commission; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Memorial Granite Company, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of tombstones and monuments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondent's products are offered for sale at savings of 30 to 50 percent or at any other savings in excess of the actual savings from prices charged by other manufacturers or dealers for products of like quality and design;

(2) Representing, directly or by implication, that the cost of erection is included in the price of a monument or tombstone when the purchaser is required to provide for and pay the cost of the foundation for such tombstone or monument;

(3) The use of pictorial representations or composite pictures, in advertising or in any other manner, which inaccurately portray or misrepresent the size or appearance of respondent's place of business.

It is further ordered, That the respondent shall, within sixty (60) days after

service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-9860; Filed, October 3, 1942; 11:49 a. m.]

[Docket No. 3596]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE R. L. WATKINS COMPANY

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer etc., of respondent's "Dr. Lyon's Tooth Powder", or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said tooth powder, which advertisements (1) contain the statement "Do As Your Dentist Does—Use Powder", or any other statement of similar import; or which advertisements otherwise represent, directly or by implication, that respondent's product is similar to or comparable with the powder used by dentists; (2) represent, directly or by implication, that respondent's product is an effective antacid or that it will correct "acid mouth"; and (3) represent, directly or by implication, that respondent's product is free from all grit or that it cannot injure or scratch the tooth enamel; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The R. L. Watkins Company, Docket 3596, September 28, 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, original and supplemental reports of the trial examiner upon the evidence and the exceptions of such reports, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The R. L. Watkins Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's product designated "Dr. Lyon's Tooth Powder", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Contains the statement "Do As Your Dentist Does—Use Powder," or any other statement of similar import; or which advertisement otherwise represents, directly or by implication, that respondent's product is similar to or comparable with the powder used by dentists;

(b) Represents, directly or by implication, that respondent's product is an effective antacid or that it will correct "acid mouth";

(c) Represents, directly or by implication, that respondent's product is free from all grit or that it cannot injure or scratch the tooth enamel.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-9861; Filed, October 3, 1942; 11:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

CALCULATION OF EFFECTIVE DATE OF AN APPLICATION FOR QUALIFICATION UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly sections 307 and 319 thereof, and finding such action appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby amends paragraph (b) of Rule T-7A-4 to read as follows:

§ 260.7a-4 *Calculation of time.* * * *

(b) The twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 5:30 P. M., Eastern Standard War Time, on the date of filing.

Effective October 3, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-9852; Filed, October 3, 1942; 10:57 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1482]

PART 325—MINIMUM PRICE SCHEDULE, DISTRICT NO. 5

REVISION OF SIZE GROUP CLASSIFICATIONS

Findings of fact, conclusions of law and memorandum opinion and order in the matter of the petition of District Board No. 5 for revision of size group classifications for mines in District No. 5.

This proceeding was instituted upon the petition of District Board No. 5, filed with the Bituminous Coal Division on June 2, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested the reduction in the number of size group classifications established for coal produced for rail and truck shipments in District No. 5. Petition of intention was filed by the Consumers' Counsel on July 18, 1942.

After due notice to interested persons, a hearing in this matter was held on July 23, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present,

adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by the petitioner and Consumers' Counsel. Preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

This proceeding was instituted by District Board No. 5 to effect the deletion of size group classifications Nos. 3, 6, 8, 10, 13, 15, 16, 18 and 19 from the Effective Minimum Price Schedules for District No. 5 For All Shipments Except Truck and For Truck Shipments.

There were 14 mines operating in District No. 5 when nineteen size group classifications and minimum prices were established in General Docket No. 15. At the present time there are only 9 mines operating in District No. 5, and none of these mines is using screens to prepare coal in Size Groups Nos. 3, 6, 8, 10, 13, 15, 16, 18 and 19. W. E. Pippin, Secretary of District Board No. 5, testified that 19 size group classifications and prices in a district in which there are but 9 mines cause much confusion in the supervision of minimum prices for District No. 5. The District Board, therefore, proposes to delete from the schedules of minimum prices all the size group classifications which are not now applicable to coals prepared in District No. 5 at the present time. It is the District Board's intention that these classifications be deleted from both the truck and rail schedules, since the classification in the two schedules correspond in every respect. It is further proposed that after deleting nine size groups and their corresponding minimum prices, the remaining minimum prices will continue to be the same except that the size group members will be changed as follows: No. 1 will be the same; No. 2 will be the same; No. 3 will be old No. 4; No. 4 will be old No. 5; No. 5 will be old No. 7; No. 6 will be old No. 9; No. 7 will be old No. 11; No. 8 will be old No. 12; No. 9 will be old No. 14; No. 10 will be old No. 17.

The deletion of certain size groups will not, however, disenable producers from making any of those sizes. In the event a mine should in the future produce coal of a size falling between any of these 10 proposed classifications, Price Instruction 5 in the Effective Minimum Price Schedule for All Shipments Except Truck will apply if the coal moves by rail; and Prices Instruction 4 in the Effective Minimum Price Schedule for Truck Shipments will apply if the coal moves by truck. These price instructions are exactly alike, reading as follows:

> If the maximum top or bottom size of any size of coal exceeds that listed for a particular size group, then such coal must be included in the size group for the next larger size for the same mine and priced accordingly.
>
> If any size coal falls within a size group for which no price is listed, such size shall be priced at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine.

District Board No. 5 did not petition for a change in the description of the size groups, but W. E. Pippin, Secretary of the District Board, testified that they would be agreeable to a change in these descriptions so long as there remained a sharp delineation between the various size groups so that there could be no question into which size group a particular size coal will fall. Pippin testified that the District Board had anticipated that the key size numbers would necessarily have to be changed.

O. R. Bell appeared in behalf of the Consumers' Counsel and stated that the Consumers' Counsel approved wholeheartedly of the petition of District Board No. 5 for the reduction of the number of size groups in District No. 5.

On the basis of the uncontroverted evidence, I find that the deletion of Size Group Classifications Nos. 3, 6, 8, 10, 13, 15, 16, 18 and 19, as requested by District Board No. 5, will simplify the operation of the effective minimum price schedules for District No. 5. The reduction of the number of size group classifications in the effective minimum price schedules, I find, will require changes in the descriptions of the size groups and of the key size numbers. The key size numbers and the key size pages, will necessarily have to be rearranged.[1] These proposed amendments to the Effective Minimum Price Schedules for District No. 5 will effectuate the purposes of section 4 II (a) and (b) of the Act and will comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 325.1 (*Price instructions and exceptions*) is amended by substituting thereto Amendment R–I, § 325.2 (*Size group table*) is amended by substituting thereto Amendment R–II, § 325.3 (*Description of sizes by key size number*) is amended by substituting thereto Amendment R–III, § 325.4 (*Key sizes and commercial size groups for all coal*) is amended by substituting thereto Amendment R–IV, § 325.5 (*Alphabetical list of code members*) is amended by substituting thereto Amendment R–V, § 325.6 (*General prices*) is amended by substituting thereto Amendment R–VI, § 325.7 (*Special prices—Railroad fuel prices*) is amended by substituting thereto Amendment R–VII, § 325.21 (*Price instructions and exceptions*) is amended by substituting thereto Amendment T–I, § 325.22 (*Size group table*) is amended by substituting thereto Amendment T–II, and § 325.23 (*General prices; shipment by truck into all market areas*) is amended by substituting thereto Amendment T–III, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[1] Because of these many changes, it was deemed desirable to issue a new schedule for District No. 5.

AMENDMENT TO MINIMUM PRICE SCHEDULE DISTRICT NO. 5

NOTE: The material contained in this amendment is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 325, Minimum Price Schedule for District No. 5 and supplements thereto.

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

SUBPART B—TRUCK SHIPMENTS

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

[Amendment R–I]

§ 325.1 *Price instructions and exceptions*—(a) *Price instructions.* (1) Prices listed herein are minimum prices in cents per net ton of 2,000 pounds free on board transportation facilities at the mines.

(2) Prices listed herein are subject to effective marketing rules and regulations established pursuant to section 4, Part II of the Bituminous Coal Act of 1937; to maximum discounts that may be made to distributors, prescribed pursuant to section 4, Part II (h) of said Act; and to rules and regulations for the registration of distributors and bona-fide and legitimate farmers' cooperative organizations.

(3) In the sale of coal to destinations outside the boundary of the United States, prices listed herein are for payment in United States funds.

(4) All size designations are for round-hole screens except Size Group No. 10 which is for screens with square-hole openings. When other types of screens are used, the producer shall observe, for the sizes which he produces, the prices listed for the equivalent sizes produced by use of round-hole screens, as determined by the test prescribed by A. S. T. M. designation D–410–38. If the percentage of oversize exceeds five per cent, the price

for the next larger size group classification for that mine shall apply.

(5) If the maximum top or bottom size of any size of coal exceeds that listed for a particular size group, then such coal must be included in the size group for the next larger size for the same mine and priced accordingly.

If any size of coal falls within a size group for which no price is listed, such size shall be priced at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine.

(6) The prices listed herein for shipment via rail transportation apply also for shipment via all other methods of transportation except truck or wagon.

(7) The market areas to which reference is made in this schedule are those which are numerically designated and geographically described in the "Schedule of common consuming market areas, established in connection with the effective minimum prices pursuant to section 4, Part II of the Bituminous Coal Act of 1937."

(8) Railway fuel prices listed herein shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

(9) No code member shall evade or violate any of the price provisions of the Act, or any of the prices herein provided, by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof.

Where coal is sold by a code member f. o. b. a point other than transportation facilities at the mine, there shall be added to the applicable minimum f. o. b. mine price provided in this schedule an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the purchaser. When the transportation, handling, or incidental transaction is not an arm's length transaction (for example, when transportation, dock or other facilities are either owned or controlled by the code member or its affiliates), the charge which shall be added shall be not less than the estimated actual cost of such transactions, arrived at in good faith in a reasonable manner: *Provided, however,* That code members may make application to the Director of the Bituminous Coal Division for permission to add to the f. o. b. mine price a sum less than the estimated actual cost of such transactions, upon a showing that such is necessary to preserve existing fair competitive opportunities.

Doubtful situations, concerning the application of this instruction to particular transactions, may be referred to the Director for a ruling.

(10) Various parts of this schedule contain special notes, instructions and exceptions, applicable to specified situations. Such special notes, instructions and exceptions are in addition to the general price instructions and price exceptions listed herein. In the event of any inconsistency between such special notes, instructions and exceptions, and the general price instructions and price exceptions, the special notes, instructions and exceptions shall control.

(11) In the event any price instruction, price exception, or any other provision of this schedule is inconsistent with any provision of any order, rule or regulation of the National Bituminous Coal Commission or the Bituminous Coal Division issued prior to the effective date of this schedule, the price instructions and exceptions and provisions of this schedule shall control.

(b) *Price exceptions.* (1) Minimum prices for any sale of coal which, under section 3 (e) of the Bituminous Coal Act of 1937 or other provision of law, is exempt from the tax of one cent per net ton levied by section 3 (a) of such Act, shall be one cent per net ton less than that otherwise applicable under this schedule.

(2) When lump or double screened coal is subjected to any chemical, oil or waxing process for allaying dust, the prices listed in this schedule for such coal shall be increased 10 cents per net ton.

(3) Prices listed herein for all sizes above ¼" x 0 raw screenings shall be increased 25 cents per net ton when such sizes are washed or mechanically cleaned.

(4) Prices listed herein for ¼" x 0 or smaller screenings shall be increased 75 cents per net ton when such sizes are washed or mechanically cleaned.

[Amendment R-II]

§ 325.2 *Size group table*

Size group Nos.	General description	Key size Nos. applicable
1	Lump coal larger than 4"	1 and 2.
2	Lump coal bottom size larger than 2" but not exceeding 4".	3 and 4.
3	Lump coal bottom size 2" and smaller	5, 6, and 7.
4	Double screened coal with a top size larger than 4" and a bottom size larger than 2" but not exceeding 3".	18.
5	Double screened coal with a top size larger than 3" but not exceeding 4" and bottom size larger than 1¼" but not exceeding 2".	23 and 28.
6	Double screened coal bottom size 1¼" and smaller and top size larger than 2" but not exceeding 3"	29.
7	Stoker or double screened coal top size 1¼" and smaller, and bottom size ¼" and larger.	31 32, 33.
8	Straight run of mine coal, altered run of mine, and resultants larger than 2" x 0.	41 to 43, Inc.
9	Screenings larger than ¼" x 0, but not exceeding 2" x 0.	53 to 57, Inc
10	Raw screenings ¼" x 0 and smaller	70, 71, 72.

[Amendment R-III]

§ 325.3 *Description of sizes by key size number*

LUMP OR BLOCK COALS

Key size No.	Bottom size description	Included in size group No.
1	Larger than 5"	1
2	Larger than 4" but not exceeding 5"	1
3	Larger than 3" but not exceeding 4"	2
4	Larger than 2" but not exceeding 3"	2
5	Larger than 1¼" but not exceeding 2"	3
6	Larger than ¾" but not exceeding 1¼"	3
7	¾" or smaller	3

DOUBLE SCREENED COALS

Key size No.	Top size description	Bottom size description	Included in size group No.
*10	Not used in District No. 5		
*11	Not used in District No. 5		
*12	Not used in District No. 5		
*13	Not used in District No. 5		
*14	Not used in District No. 5		
*15	Not used in District No. 5		
*16	Not used in District No. 5		
*17	Not used in District No. 5		
18	Larger than 4"	Larger than 2" but not exceeding 3"	4
*19	Not used in District No. 5		
*20	Not used in District No. 5		
*21	Not used in District No. 5		
*22	Not used in District No. 5		
23	Larger than 3" but not exceeding 4"	Larger than 1¼" but not over 2"	5
*24	Not used in District No. 5		
*25	Not used in District No. 5		
*26	Not used in District No. 5		
*27	Not used in District No. 5		
28	Larger than 3" but not exceeding 4"	1¼" and smaller	5
29	Larger than 2" but not exceeding 3"	1¼" and smaller	6
*30	Not used in District No. 5		
31	Larger than ⅜" but not exceeding 1¼"	Smaller than 1¼"	7
32	Larger than ⅜" but not exceeding ¾"	Smaller than 1¾"	7
33	⅜" and smaller	Smaller than ⅜"	7

§ 325.3 *Description of sizes by key size number*—Continued

RUN OF MINE COALS

Key size No.		Included in size group No.
*40	Not used in District No. 5	
41	Straight Run of Mine	8
42	Altered Run of Mine—Straight Run of Mine from which any intermediate size has been removed but no coal smaller than ¾" shall be removed	8
43	Resultant Run of Mine—Straight Resultant Run of Mine larger than 2" x 0	8
*44	Not used in District No. 5	
*45	Not used in District No. 5	

SCREENINGS—SLACK

*50	Not used in District No. 5	
*51	Not used in District No. 5	
*52	Not used in District No. 5	
53	Screenings—Larger than 1¼" x 0 but not exceeding 2" x 0	9
54	Screenings—Larger than 1" x 0 but not exceeding 1¼" x 0	9
55	Screenings—Larger than ¾" x 0 but not exceeding 1" x 0	9
56	Screenings—Larger than ½" x 0 but not exceeding ¾" x 0	9
57	Screenings—Larger than ¼" x 0 but not exceeding ½" x 0	9

DEDUSTED SCREENINGS

*60	Not used in District No. 5	
*61	Not used in District No. 5	
*62	Not used in District No. 5	
70	Raw screenings top size larger than ½" but not exceeding ¾" through square hole openings	10
71	Raw screenings top size larger than 5/16" but not exceeding ½" through square hole openings	10
72	Raw screenings, 5/16" x 0 and smaller through square hole openings	10

[Amendment R–IV]

§ 325.4 *Key sizes and commercial size groups for all coal.*

Lumps:	Key size
Over 4	1–2
4, 3½	3–4
2, 1¾, 1½	5
1¼, 1, ⅞	6
¾, ⅝, ½, ⅜, ¼	7

COMMERCIAL SIZE GROUPS FOR ALL USES

Size group:	Key sizes
1	1 and 2.
2	3 and 4.
3	5, 6, and 7.
4	18.
5	23 and 28.
6	29.
7	31, 32, and 33.
8	41 to 43, inc.
9	53 to 57, inc.
10	70, 71, and 72.

DOUBLE SCREENED COALS

Bottom size	Top or largest size														
	⅜	½	⅝	¾	⅞	1	1¼	1½	1¾	2	2½	3	3½	4	Over 4
¼	33	32	32	32	31	31	31				29	29	28	28	
⅜		32	32	32	31	31	31				29	29	28	28	
½			32	32	31	31	31				29	29	28	28	
⅝				32	31	31	31				29	29	28	28	
¾					31	31	31				29	29	28	28	
⅞						31	31				29	29	28	28	
1							31				29	29	28	28	
1¼											29	29	28	28	
1½													23	23	
1¾													23	23	
2													23	23	
2½															18
3															18

SCREENINGS

Size group:	Key size
9	53 to 57.
10	70, 71, and 72.

Run of mine	Key size
Straight run of mine	41
Altered run of mine—Straight run of mine coal from which any intermediate size has been removed; but no coal smaller than ⅜" shall be removed	42
Resultant run of mine and altered run of mine—Larger than 2" x 0; but no coal smaller than ⅜" shall be removed	43

NOTE: Key Size Numbers 8 to 17, Inc., 19 to 22, Inc., 24 to 27, Inc., 30, 40, 44, 45, 50, 51, 52, 60, 61, 62, not used in District No. 5.

[Amendment R–V]

§ 325.5 *Alphabetical list of code members*

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Freight origin group Nos.	Price classifications by size group No.— 1	2	3	4	5	6	7	8	9	10
1	Consolidated Coal Company	Crapo		Mich	Deep	10	A	A	A	A	A	A	A	A	A	A
2	Robert Gage Coal Company	Robert Gage No. 10 (Big Chief)		Mich	Deep	20	A	A	A	A	A	A	A	A	A	A
3	St. Charles Garfield Coal Company	St. Charles Garfield Coal Mine		Mich	Deep	30	A	A	A	A	A	A	A	A	A	A

[Amendment R-VI]

§ 325.6 *General prices*

[Prices for all rail shipment from mines indexed below into market areas as shown. Subject to price instructions and exceptions, § 325.1]

For shipment into market area 20			Prices in cents per net-ton by size group Nos.									
Freight origin group districts	Freight origin group Nos.	Mine Index Nos.	1	2	3	4	5	6	7	8	9	10
Brent Creek	10—GT	1—Crapo	460	455	430	420	405	385	310	355	300	150
Unionville	20—PM	2—Robert Gage No. 10 (Big Chief).	460	455	430	420	405	385	310	355	300	150
St. Charles	30—MC	3—Garfield	460	455	430	420	405	385	310	35.	300	150

Market area No. 20—Specific price adjustments. Railroad switching charges may be absorbed by the code members from District No. 5 on shipments as follows: On shipments originating on one railroad and tendered to a connecting railroad at Bay City, Michigan, or Saginaw, Michigan, for delivery within the switching limits of these towns, the code member may absorb the switching charge of the delivering railroad up to, but not exceeding, the current charge in effect as per tariffs on file with the Michigan Public Utilities Commission and the Interstate Commerce Commission. The present charge for the switching movement is $8.16 per car.

For shipment into market area No. 21. The Effective Minimum Price shall be the above prices plus 35 cents in all size groups.

NOTE.—The above listed prices shall be *increased* 25 cents per net ton when any size except, coals in Size Group No. 10, is washed or otherwise mechanically cleaned. When coals in Size Group No. 10 are washed or mechanically cleaned, the above prices shall be *increased* 75 cents.

[Amendment R-VII]

§ 325.7 *Special prices; railroad fuel prices.*

[Railroad fuel prices for any size coal from all mines]

For shipment to railroads as shown—Name of railroad	*Prices in cents per net ton*
Grand Trunk Railway System	[1] 355
New York Central System—on line (Michigan Central Railroad)	[1] 355
New York Central System—off line	[1] 335
Pere Marquette Railway Co	[1] 355
For all railroads not shown	[1] 355

SUBPART B—TRUCK SHIPMENTS

[Amendment T-I]

§ 325.21 *Price instructions and exceptions.* (a) *Price instructions.* (1) Prices listed herein are minimum prices in cents per net ton of 2,000 pounds free on board transportation facilities at the mines.

(2) Prices listed herein are subject to effective marketing rules and regulations established pursuant to section 4, Part II of the Bituminous Coal Act of 1937; to maximum discounts that may be made to distributors, prescribed pursuant to section 4, Part II (h) of said Act; and to rules and regulations for the registration of distributors and bona-fide and legitimate farmers' cooperative organizations.

(3) Size designations listed herein are predicated on the use of round hole screens except Size Group No. 10, which is predicated on the use of square hole screens. When other types of screens are used, the producer shall observe for the sizes which he produces the prices listed for equivalent sizes produced by use of round hole screens. The District Board, with the approval of the Bituminous Coal Division, upon petition of the Producer or upon its own motion will determine the appropriate size designations of the coal produced.

(4) If the maximum top or bottom size of any size of coal exceeds that listed for a particular size group, then such coal must be included in the size group for the next larger size for the same mine and priced accordingly.

If any size of coal falls within a size group for which no price is listed, such size shall be priced at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine.

(5) The market areas to which reference is made in this schedule are those which are numerically designated and geographically described in the "Schedule of common consuming market areas, established in connection with the effective minimum prices, pursuant to section 4, Part II of the Bituminous Coal Act of 1937".

(6) No code member shall evade or violate any of the price provisions of the Act, or any of the prices herein provided, by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof.

Where coal is sold by a code member f. o. b. a point other than transportation facilities at the mine, there shall be added to the applicable minimum f. o. b. mine price provided in this schedule an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the purchaser. When the transportation, handling, or incidental transaction is not an arm's length transaction (for example, when transportation, dock or other facilities are either owned or controlled by the code member or its affiliates), the charge which shall be added shall be not less than the estimated actual cost of such transactions, arrived at in good faith in a reasonable manner: *Provided, however,* That code members may make application to the Director of the Bituminous Coal Division for permission to add to the f. o. b. mine price a sum less than the estimated actual cost of such transactions, upon a showing that such is necessary to preserve existing fair competitive opportunities. Doubtful situations, concerning the application of this instruction to particular transactions, may be referred to the Director for a ruling.

(b) *Price exceptions.* (1) Minimum prices for any sale of coal, which under section 3 (e) of the Bituminous Coal Act of 1937 or other provision of law, is exempt from the tax of one cent per net ton levied by section 3 (a) of such Act, shall be one cent per net ton less than that otherwise applicable under this schedule.

(2) When lump or double screened coal is subjected to any chemical, oil or waxing process for allaying dust, the prices listed in this schedule for such coal shall be increased 10 cents per net ton.

(3) Prices listed herein for all sizes above ¼" raw screenings shall be increased 25 cent per net ton when such sizes are washed or mechanically cleaned.

(4) Prices listed herein for ¼" x 0 raw screenings shall be increased 75 cents per net ton when such sizes are washed or mechanically cleaned.

[Amendment T-II]

§ 325.22 *Size group table*

Size group Nos.	*General description*
1	Lump coal larger than 4".
2	Lump coal bottom size larger than 2" but not exceeding 4".
3	Lump coal bottom size 2" and smaller.
4	Double screened coal with a top size larger than 4" and a bottom size larger than 2" but not exceeding 4".
5	Double screened coal with a top size larger than 2" but not exceeding 3". and bottom size larger than 1¼" but not exceeding 2".
6	Double screened coal bottom size 1¼" and smaller and top size larger than 2" but not exceeding 3".
7	Stoker or double screen coal top size 1¼" and smaller and bottom size ¼" and larger.
8	Straight run of mine coal, altered run of mine, and resultants larger than 2" x 0.
9	Screenings larger than 1¼" x 0 but not sxceeding 2" x 0.
10	Raw screenings ¼" x 0 and smaller.

[1] Subject to price instructions and exceptions, § 325.1.

[Amendment T–III]

§ 325.23 *General prices; shipment by truck into all market areas*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	County	Mine index No.	Seam	Lump larger than 4"	Lump 4"	Lump 2" and smaller	5" x 3" egg	4" x 2" egg	3" x 1¼" stove	1¼" x ¾" stoker	Mine run	N-P-S 2" x 0	(R) ¼" x 0 screenings
					1	2	3	4	5	6	7	8	9	10
Aurora Cooperative Mining Company, The (John Milano).	Aurora	Saginaw	4	Michigan	460	455	430	420	405	385	310	355	300	150
Chippewa Coal Company	Chippewa	Saginaw	5	Michigan	460	455	430	420	405	385	310	355	300	150
Consolidated Coal Company	Crapo	Shiawassee	1	Michigan	460	455	430	420	405	385	310	355	300	150
Goodrich, Guy	Goodrich	Eaton	100	Michigan	460	455	430	420	405	385	310	355	300	150
Jones Coal Mining Company, The	Jones	Shiawassee	103	Michigan	460	455	430	420	405	385	310	355	300	150
Monitor Coal Mining Company	Monitor	Bay	6	Michigan	460	455	430	420	405	385	310	355	300	150
New Michigan Coal Mining Company	New Michigan	Bay	7	Michigan	460	455	430	420	405	385	310	355	300	150
Robert Gage Coal Company	Big Chief (R. Gage #10)	Tuscola	2	Michigan	460	455	430	420	405	385	310	355	300	150
Saginaw Mining Company	Janes Street	Saginaw	8	Michigan	460	455	430	420	405	385	310	355	300	150
St. Charles Chesaning Coal Company	St. Charles Chesaning	Saginaw	9	Michigan	460	455	430	420	405	385	310	355	300	150
St. Charles Garfield Coal Company	St. Charles Garfield	Saginaw	3	Michigan	460	455	430	420	405	385	310	355	300	150
Sebewaing Coal Mining Co. c/o Wm. H. Roese	Sebewaing	Huron	101	Michigan	460	455	430	420	405	385	310	355	300	150
Swan Creek Mining Company c/o John Milano	Swan Creek	Saginaw	104	Michigan	460	455	430	420	405	385	310	355	300	150
Tri Party Coal Mining Company	Tri Party	Shiawassee	10	Michigan	460	455	430	420	405	385	310	355	300	150

NOTE: The above listed prices shall be *increased* 25 cents per net ton when any size except, coals in Size Group No. 10, is washed or otherwise mechanically cleaned.

When coals in Size Group No. 10 are washed or mechanically cleaned, the above prices shall be *increased* 75 cents.

When coal is shipped by truck into Market Area No. 21 from any mine in District No. 5, the above prices may be reduced 35 cents per net ton, provided the delivery to the destination into Market Area No. 21 is under the control of the producer.

[F. R. Doc. 42–9817; Filed, October 2, 1942; 10:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 927—NICKEL

[Conservation Order M–6–b, as Amended October 3, 1942]

Section 927.3, *Conservation Order M–6–b*, is hereby amended to read as follows:

§ 927.3 *Conservation Order M–6–b, as amended October 3, 1942*—(a) *Prohibited uses of nickel.* No nickel shall be used in the manufacture of any item (or part therefor, including repair parts) on List A attached to this order.

(b) *Restricted uses of nickel.* Nickel may be used in the manufacture of articles omitted from List A, or for purposes specified on List A as being exempt from its prohibitions, only as follows:

(1) By any person to the extent that nickel is or may have been allocated to him for such purpose by the Director General for Operations, but subject to any specific directions issued with respect to the material so allocated;

(2) By any person with the specific permission of the Director General for Operations, regardless of whether or not the nickel to be used was allocated to such person by the Director General for Operations;

(3) If the nickel to be used is in the form of nickel scrap or secondary nickel as respectively defined in Supplementary Order M–6–c as the same may be from time to time amended, by any person to the extent permitted by the provisions of paragraph (c) (2) of said supplementary order.

(c) *Exceptions.* The prohibitions and restrictions contained in paragraphs (a) and (b) of this order shall not apply to the use of nickel in the manufacture of:

(1) "Implements of war," as defined in this order, which are being produced for the Army or the Navy of the United States, the United States Maritime Commission, the War Shipping Administration or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of nickel to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract or purchase order; or

(2) Such other articles or products being produced for any of the foregoing services, agencies or foreign governments, as may be from time to time approved and designated by the Director General for Operations by means of supplementary orders or specific directions pursuant to certification to him by the Army and Navy Munitions Board that the use of nickel as required by the pertinent government specifications (including performance specifications) for the particular article, is essential to the successful prosecution of the war. Any person who uses nickel in order to meet performance specifications in the manufacture of any article or product covered by subparagraph (1) or (2) of this paragraph (c) shall furnish such information with respect to such article or product and the specifications applicable thereto, as may be from time to time requested by the War Production Board.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver nickel to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of nickel (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any nickel in the form of raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of nickel products by this order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeals.* Any person whose business is affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of nickel conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board by letter or on such form as the Ferro-Alloys Branch of the War Production Board may prescribe, reference: M–6–b, setting forth the pertinent facts, including a statement of such person's inventory of nickel, his production and employment, together with the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of nickel in the production of any item or article, the limitations of such other order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Definitions.* For the purposes of this order:

(1) "Nickel" means any metallic nickel, either primary or produced from or contained in scrap; nickel matte, or any non-ferrous alloy when nickel has been specified or added to produce a desired alloying effect. It also includes nickel salts, oxides and carbonates, and special-purpose alloys such as those for heat or corrosion resistance or electrical use. It does not include such steel and iron alloys as are covered by Supplementary Order M–21–a.

(2) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat, produce, or process in any other way, but does not include installations of a finished product for the ultimate consumer on the consumer's premises.

(3) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(4) "Use" means both (1) the act of putting nickel into process in the manufacture of any item and (2) the act of completing the manufacture of any such item.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(6) "Implements of war" means combat end-products, complete for tactical operations (including but not limited to, aircraft, ammunition, armament, weapons, ships, tanks and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items This term does not include facilities or equipment used to manufacture the foregoing items.

(h) *Communications to War Production Board.* All reports to be filed hereunder, appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to the Ferro-Alloys Branch, War Production Board, Washington, D. C., Reference: M–6–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A OF CONSERVATION ORDER M–6–B, AS AMENDED

The use of nickel in the items classified below and in all component parts thereof is

prohibited except to the extent permitted by the foregoing conservation order, or as specified on this list.

Transportation equipment.[1]

Building supplies, hardware, and ornamental metal work.

Plumbing, heating, and air conditioning supplies, and domestic and institutional appliances and equipment (excluding valve seats, pressure, thermostatic and vacuum controls and safety devices, and further excluding domestic and commercial electrical appliances and domestic ranges and parts therefor, to the extent of resistance material allocated on Form PD-556 from reserves held under the provisions of Order L-65).

Clothing accessories.

Furnishings and furniture (domestic, office and institutional).

Commercial and industrial appliances and equipment and parts thereof.[1]

Jewelry, toilet articles, accessories, souvenirs, novelties, games, toys, art objects, and musical instruments.

Plating.[1]

Containers of all types.[1]

Branding, marking and labeling devices.

Fire fighting apparatus and equipment.[1]

Lighting equipment.[1]

Non-operating or decorative uses or parts of installations and mechanical equipment, including frames, bases, standards and supports.

Photographic and art equipment and supplies.

Sporting goods and pleasure boat fittings and hardware.

Saddlery and harness hardware and fittings.

[F. R. Doc. 42-9879; Filed, October 3, 1942; 11:55 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 3 as Amended October 3, 1942]

ESTABLISHING A UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATINGS

Section 944.23, *Priorities Regulation No. 3*,[2] is hereby amended to read as follows:

§ 944.23 *Priorities Regulation No. 3*—(a) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the Director General for Operations, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Except to the extent otherwise provided in Priorities Regulation No. 11 (§ 944.32) with respect to persons required to qualify under the production requirements plan, any person may apply a preference rating assigned to him by any preference rating certificate or preference rating order issued to him in his name or as one of a class, and any person may extend any rating which has been applied or extended to deliveries to be made by him, subject to the provisions of this regulation.

(2) Preference ratings may be applied by the person to whom they are assigned only to the specific quantities and kinds of material authorized, or to the minimum required amounts or material when no specific quantities are authorized. Ratings which have been applied or extended by others to deliveries to be made by a person may, subject to the provisions of this Regulation, be extended by such person in order to obtain not more than the same amount and kind of material (except as specified in paragraph (c) (2) of this regulation) which he has delivered or is required to deliver pursuant to such ratings.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Extension of ratings.* The following provisions shall be applicable to all extensions of preference ratings notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference ratings may be extended to the delivery of any material *except:*

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing, or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used, or

(3) Repair, maintenance and operating supplies, subject to the following conditions and limitations:

(i) The cost of all maintenance, repair and operating supplies, to which a rating is extended in any month shall not exceed ten percent of the cost of materials described in subparagraphs (1) and (2) of this paragraph (c) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(ii) The cost of maintenance, repair and operating supplies consisting of metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32) to which the rating is extended in any month shall not exceed two and one-half percent of the cost of materials described in said subparagraphs (1) and (2) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed); and

(iii) The term "maintenance, repair and operating supplies" as used in this subparagraph (3) shall include only those supplies which are actually required for directly processing the material described in subparagraphs (1) and (2) of this paragraph (c) or for maintenance or repair of production machinery and equipment used in such processing. It does not include maintenance or repair of building or office supplies.

In cases where the material to be processed is furnished by the customer, the cost thereof to the customer shall, for the purposes of this paragraph (c), be taken instead of cost to the processor and the month in which the processing order is placed shall be taken in lieu of the month in which the material to be processed is ordered.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (c) nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies other than those specified above in subparagraph (3) of this paragraph (c).

(d) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so by endorsing on, or attaching to, each contract or purchase order placed by him to which the rating is to be applied or extended, a certification in the following

[1] Except where necessary for operational purposes.

[2] 7 F.R. 4833, 5404.

form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27)[2] by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit)	(Address)
By (Signature and Title of Duly Authorized Officer)	(Date)

The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending ratings must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD–1A, PD–3A and PD–25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that Regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate, (i) ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order, but the amount of each material to which a particular grade of rating is extended must be shown as a separate item and not merely indicated as a percentage figure: *Provided, however*, That to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total delivery; and (ii) a person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same.

(4) In addition to complying with the foregoing requirements of this paragraph (d), any person applying or extending a preference rating shall include on his purchase order or contract identification symbols as required by Priorities Regulation No. 10 (§ 944.31)[3] and such other information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the Director General for Operations and which the person placing the purchase order is able to furnish.

(e) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (c) and (d) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the Director General for Operations assigning the preference rating in question or regulating transactions in the material involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material.

(f) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Director of Priorities, the Director of Industry Operations or the Director General for Operations are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the Director General for Operations. All certificates and all existing orders of the Director of Priorities, the Director of Industry Operations and the Director General for Operations are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

Effective date. This amendment shall take effect on October 3, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9878; Filed, October 3, 1942; 11:56 a. m.]

[2] F.R. 1052.

[3] 7 F.R. 4198, 4833, 5640.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 11, as Amended October 3, 1942]

PRODUCTION REQUIREMENTS PLAN

Section 944.32 *Priorities Regulation No. 11*[1] is hereby amended to read as follows:

§ 944.32 *Priorities Regulation No. 11*—(a) *Purpose.* It is the purpose of this regulation to provide for the integration of the system of distributing scarce materials in the interest of the war and the maintenance of the essential civilian economy by requiring principal industrial users of scarce materials to qualify under the production requirements plan and to obtain preference rating assistance primarily under that plan.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "PRP application" means an application for priority assistance under the production requirements plan on Form PD–25A or any other prescribed form.

(4) "PRP certificate" means the copy of a PRP application which has been returned to the applicant by the Director General for Operations with an assignment of preference ratings or other priority action endorsed thereon, and includes any supplementary or advance quarter ("bob-tail") certificate which may be issued from time to time.

(5) "PRP unit" means any person who is qualified under the production requirements plan by the issuance to such person of a PRP certificate. In case the certificate is issued to a branch, plant, department, or other division of a corporation or business, "PRP unit" refers only to the portion of the business to which the certificate is issued.

(6) "Production material" means material (including fabricated parts and subassemblies) which will be delivered by a PRP unit as its product, or will be physically incorporated into such product, and includes the portion of such material normally consumed or converted into scrap or by-products in the course of processing. It does not include any supplies or manufacturing equipment.

(7) "Supplies" means maintenance and repair materials and operating supplies. It also includes minor items of productive capital equipment (such as jigs and fixtures, dies and die blocks, portable pneumatic or portable electric tools, and material required for minor

[1] 7 F.R. 4423, 4615, 4698, 4848, 5043, 5359, 6146, 6147, 6614, 7429.

relocations of plant machinery and equipment). It does not include any production material or any office machinery or equipment (whether purchased or leased) or materials for plant expansion or plant construction.

(8) "Listed material" means, with respect to any quarter, any material listed and given an item number on the Materials List No. 1, Revised, appearing on the form of PRP application for that quarter or required to be separately listed by supplementary instructions from the War Production Board.

(9) "Listed fabricated item" means, with respect to any quarter, any part, assembly or other item listed and given an item number on the Fabricated Items List No. 2 appearing on the form of PRP applications for that quarter. The first quarter for which such a list will be in effect will be the first quarter of 1943. "Listed fabricated item" also includes any item required to be listed separately by supplementary instructions from the War Production Board.

(10) "Class I producer" means any person (or any branch, plant, department, or other division of a corporation or business which operates as a separate entity and maintains a separate inventory) whose receipts or withdrawals from inventory during the most recent calendar quarter, or whose anticipated receipts or withdrawals from inventory during the current or next succeeding calendar quarter, of metals in the forms included on the attached metals list aggregate five thousand dollars or more in value, except:

(i) Any agency of the United States, of any foreign government, of any state or territory, or of any subdivision thereof except when and to the extent that any such agency is engaged in the manufacture of commodities or other materials or the furnishing of repair facilities (such as Navy yards, arsenals, prison factories, etc.);

(ii) Any person to the extent that he is engaged in the business of:

(*a*) Transportation by any means;

(*b*) Furnishing of heat, light, power, electricity, gas or water to others;

(*c*) Quarrying;

(*d*) Production, refining, transportation, distribution or marketing of petroleum or associated hydrocarbons;

(*e*) Communications;

(*f*) Sewerage or drainage;

(*g*) The sale of material which he has not manufactured, processed, fabricated, assembled, or otherwise physically changed, including sales as a distributor, wholesaler, retailer, warehouse, industrial or mill supply house or scrap dealer;

(*h*) Construction at the site, of buildings, structures, or projects: and

(iii) Any producer located in Alaska, Panama Canal Zone, or in any territory or possession of the United States outside of the continental United States.

(11) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under authority of the Director General for Operations, of the right to use such rating.

(12) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(13) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(c) *Persons required to qualify under PRP.* Every Class I producer shall file a PRP application. For the first quarter of 1943, this application shall be filed not later than October 25, 1942. A person who was not a Class I producer during the third quarter of 1942 shall file such application as promptly as practicable after becoming a Class I producer. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class I producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

(d) *Restrictions on application and extension of ratings by PRP units.* No PRP unit shall apply or extend any rating to the delivery of any material during any quarter other than the ratings authorized on its PRP certificates for that quarter; and the deliveries to which such ratings are so applied shall be limited in amount as specified on such certificates, with the following exceptions:

(1) A PRP unit may apply ratings specifically assigned to it for acquisition of items of capital equipment or materials for authorized plant expansion or plant construction.

(2) During the fourth quarter of 1942, a PRP unit may extend any preference rating which it receives, in order to obtain delivery during any quarter of production materials (but not supplies) other than listed materials, provided that the PRP unit has elected to make use of extensions of ratings exclusively for this purpose in lieu of applying the ratings assigned by its PRP certificate. Such election shall be made as follows: Not later than the seventh business day after the day on which the PRP certificate for the fourth quarter is received, the PRP unit shall, if it determines to make the election, endorse the following statement, duly signed by an authorized official, upon the copy of its PRP certificate received by it, under the heading of section F on the certificate:

The undersigned PRP unit hereby elects to rate deliveries to it during the balance of the fourth quarter of 1942 of production materials other than listed materials, as defined in Priorities Regulation No. 11, exclusively by the extension of ratings applied or extended to the undersigned by other persons, and, with respect to such materials to make no use of any ratings assigned by its PRP certificates for the fourth quarter of 1942.

_____
Date

_____
Name of PRP unit

By _____

Such election may not be made in any other manner. A PRP unit which makes such election shall not make any use of the preference rating assistance granted on its PRP certificate for the fourth quarter for the delivery of any production materials other than listed materials. Such election must be made as to all such materials or none. Such election may not be made with respect to supplies, which may be rated only in accordance with ratings assigned on the PRP certificates.

(3) In addition a PRP unit which receives a rated purchase order requiring the processing by another person of material owned and supplied by the PRP unit may extend the rating, for processing only and not for acquisition of material, to the person who is to do such processing for it.

(4) Any PRP unit may, until the receipt of its fourth quarter PRP certificate, but not thereafter, apply ratings to the extent permitted under the interim procedure specified in paragraph (i) of this regulation.

(5) In case preference rating assistance for a material is denied on the PRP certificate on the express ground that such assistance is unnecessary, the provisions of this paragraph (d) shall not apply to such material.

(e) *Restrictions on receipt of listed materials and fabricated items.* No PRP unit shall in any quarter accept deliveries (whether rated, unrated or allocated) of any listed material or any listed fabricated item, whether as production material, supplies or for any other use, in excess of the amounts specifically rated or otherwise authorized on its PRP certificates for such quarter, plus any balance of such materials or items authorized by its PRP certificates for delivery in the previous quarter which is in transit to the PRP unit at the end of the previous quarter or within three days thereafter, with the following exceptions:

(1) A PRP unit may accept deliveries of any balance of listed fabricated items specifically rated or otherwise authorized for the preceding quarter but not yet received.

(2) A PRP unit may in addition, subject to the applicable regulations and orders of the War Production Board, accept delivery of any such materials and items which consist of items of capital equipment or material for authorized plant expansion or plant construction.

(3) Any PRP unit may, until receipt of its PRP certificate for the fourth quarter of 1942, but not thereafter, accept deliveries of any such materials or items to the extent permitted under the

interim procedure specified in paragraph (i) of this regulation.

(f) *Restrictions on use of material.* Each PRP unit shall also comply with any additional restrictions which may be contained in its PRP certificate, including (without limitation) restrictions on the amount of material to be put into production, the use of any material, apportionment of quantities of material between different products, or on the sale of or delivery of specified products.

(g) *Prohibition against placing duplicate orders.* No PRP unit shall duplicate, in whole or in part, purchase orders which it has placed with one or more suppliers for delivery of any material (whether rated, unrated, or allocated) in such manner that the amount of such material ordered exceeds the amount actually required for delivery (not exceeding the amount authorized), even though the PRP unit intends to cancel or reduce its purchase orders prior to completion of delivery, to the amount of actual requirements as rated or otherwise authorized on its PRP certificate.

(h) *Scheduling of deliveries.* Each PRP unit shall, so far as practicable, place its purchase orders for the production material and supplies rated or otherwise authorized on its PRP certificate so as to call for substantially equal deliveries during each of the three months of the quarter, and shall in no event, unless absolutely necessary to maintain its delivery schedule or to obtain the minimum quantities practicably procurable, order for delivery during the first month of the quarter more than 40%, or during the first two months of the quarter more than 80%, of the total quantity of any production material authorized for delivery during the quarter.

(i) *Interim procedure for Class I producers.* Any PRP unit which has been authorized to place orders pursuant to advance quarter authorizations on its PRP certificates for any quarter shall continue to be governed by such advance quarter authorizations and may not proceed under this paragraph (i) with respect to any such quarter. Any other Class I producer who has filed his PRP application for the fourth quarter of 1942 but has not received his PRP certificate for such quarter may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter as follows:

(1) If he has been operating under the production requirements plan, he may apply the same preference ratings he was authorized to apply during the preceding quarter (on his PRP certificates or under Priorities Regulation No. 12)[2] to not more than 40% during the first month of the quarter, and not more than 70% during the entire quarter, of the amount of each material which he has indicated on his PRP application as his anticipated requirements for the quarter.

(2) If he has not been operating under the production requirements plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the fourth quarter; and, notwithstanding the termination of any preference rating order on or after the end of the third quarter, the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the fourth quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) A Class I producer who applies or extends any preference rating pursuant to subparagraphs (1) or (2) of this paragraph (i) shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his PRP certificate when issued to him.

(j) *Rerating on receipt of PRP certificates.* Each PRP unit, not later than the fifth business day after the receipt of its PRP certificate for the fourth quarter (or not later than October 10, 1942, whichever shall be later), shall adjust its outstanding purchase orders, by cancellation, postponing deliveries, or rerating, so that they shall not exceed, either with respect to the amounts to be delivered or with respect to the grade of preference rating, the quantities and ratings authorized on such certificate in accordance with paragraphs (d) and (e) of this regulation for the fourth quarter of 1942 and for any advance quarters covered by its certificates. To the extent that authorized ratings are higher than the ratings already applied to outstanding orders, adjustment shall be optional, and, with respect to any material, the balance of any authorized rating not used may be added to the authorized amount of any lower authorized rating.

(k) *Restrictions on Class I producers who have not filed PRP applications.* Any Class I producer who has not filed his PRP application by the time required by this regulation or by any specific direction of the Director General for Operations may not extend any ratings; and may not apply any rating other than a rating specifically assigned to him for the purpose of acquisition of items of capital equipment, or materials for authorized plant expansion or plant construction.

(l) *Effect on existing orders and certificates.* (1) The provisions of this regulation do not terminate any other existing order or certificate granting preference rating assistance, but limit and prohibit the use of such orders or certificates by specified persons in the manner set forth above.

(2) The provisions of this regulation do not relieve PRP unit from compliance with the terms of any order of the War Production Board controlling the distribution or restricting the use of any specific material, including requirements for the filing or supplying of applications or other documents in connection with the purchase, sale, delivery, or use of any such material.

(m) *Special provisions with respect to metal mills.* Notwithstanding the foregoing provisions of this regulation, the following provisions shall govern with respect to any person (hereinafter in this paragraph (m) referred to as a "metal mill") to the extent that he is engaged in producing metals in any of the forms included on the attached metals list:

(1) A metal mill, in determining whether it is a Class I producer within the meaning of paragraph (b) (10) of this regulation, may exclude all receipts or withdrawals from inventory of metals which will be processed by the metal mill to produce any of the forms listed on the attached metals list. However, there must be included any metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed.

(2) A metal mill need not include in its PRP application materials which will be processed by it to produce metals in any of the forms listed on the attached metals list, but it must include any material, including metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed, and for which it requires priority assistance.

(3) A metal mill may extend and apply preference ratings assigned by a preference rating order or certificate, in the manner heretofore permitted, for delivery to it of material which has been excluded from its PRP application pursuant to the provisions of subparagraph (2) of this paragraph (m) and may accept delivery of such material.

(4) A metal mill, to the extent that it is engaged in producing any of the following:

(i) Pig iron and ferroalloys;

(ii) The following iron and steel products, including alloys: Ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and sheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bars, pipe and tubes (except conduit), wire rods, wire as drawn not including further fabrications therefrom), black plate, tin and terne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, steel castings (rough as cast), skelp, rolling mill rolls, ingot molds;

(iii) Coke for use in the production of pig iron and ferroalloys; may accept

[2] 7 F.R. 6256, 6465, 6866.

deliveries of supplies in any quarter without regard to the limitations of paragraph (e) hereof of this regulation and, notwithstanding the limitations of paragraph (d) hereof, may apply the ratings assigned on its PRP certificate to deliveries of supplies in the amounts essential for proper operation, subject, however, in every case to the restrictions of Section 944.14 of Priorities Regulation No. 1 and to all other applicable regulations and orders.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2119; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

METALS LIST

(a) Any of the metals listed in subparagraph (1) below in any of the forms listed in subparagraph (2) below:

(1) *Metals*:	Solder.
Iron	Type metal.
Carbon steel	Metal carbides.
Alloy steel	Antimony.
Stainless steel.	Arsenic.
Aluminum.	Beryllium.
Magnesium.	Bismuth.
Copper.	Cadmium.
Brass.	Cobalt.
Bronze.	Iridium.
Lead (including antimonial).	Mercury.
	Molybdenum.
Zinc.	Palladium.
Nickel.	Platinum.
Tin.	Platinum-iridium alloy.
Cupro-nickel.	
Monel.	Rhodium.
Nickel-silver.	Ruthenium.
Chrome nickel.	Silver.
Babbitt metal.	Tungsten.

(2) *Forms of metal.* Annodes, bars, billets, blooms, blocks, castings (including die castings), cones, dust, extruded shapes, fabricated shapes, foil, forgings, ingots, pigs, pipe, plates, powder, rails, refinery shapes, rings, rivets, rods, scrap, sheets, shot, skelp, slabs, strip, structural shapes and piling, tie plates and track accessories, tube and tubing, tube rounds, wheels and axles, wire and wire rods, wire products (including barbed and twisted fencing, bale ties, nails, staples, rope and strand).

[F. R. Doc. 42-9877: Filed, October 3, 1942; 11:56 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 12 as amended October 3, 1942]

RERATING

Section 944.33 *Priorities Regulation No. 12*[1] is hereby amended to read as follows:

§ 944.33 *Priorities Regulation No. 12*—(a) *General.* Deliveries bearing preference ratings may be rerated and, subject to the limitations hereinafter provided, such reratings may be applied or extended in the manner provided in this regulation. Such reratings shall change only the grade of the preference rating, and shall not increase the amount of material to which the rating may be applied or extended. As used in this regulation the term "rerating" includes any change from one grade of preference rating to another.

(b) *Methods of initiating rerating.* (1) Reratings may be effected in the first instance through the issuance, by the Director General for Operations or by such government officials as may be authorized by him, of either (i) a new preference rating order or certificate, (ii) an amendment of an existing order or certificate, or (iii) a rerating direction on Form PD-4X (or such other form as may be prescribed), specifying the change of rating and the items to which it applies. A single rerating direction may be used to rerate deliveries to be made under different contracts with the same contractor, and may specify different new ratings for separate deliveries to be made under a single contract.

(2) A rerating direction in the PD-4X series shall be used only:

(i) To rerate deliveries under prime contracts directly to, or construction of facilities under direct contract with, the United States Army or Navy or other United States Government agencies specified in the definition of "defense order" appearing in § 944.1 (b) of Priorities Regulation No. 1 as amended, and in addition, notwithstanding the limitations indicated on Form PD-4X:

(ii) To rerate any other delivery to be made directly to a prime contractor or subcontractor with the United States Army or Navy or other United States Government agency so specified: *Provided*, Such delivery has previously been duly rated either (a) by a preference rating certificate on Form PD-3, PD-3A, PD-4 or PD-5, or (b) by a preference rating order in the P-19, P-19a or P-19-h series countersigned by an officer of the United States Army or Navy: *And provided further*, That the original rating was assigned by such preference rating certificate or order issued directly to and in the name of the person who is to receive the delivery to be rerated, and not merely applied or extended to such person by another contractor or subcontractor.

Rerating directions on forms in the PD-4X series may be prepared and issued only by authorized government officials, and are not to be prepared or filed with any government agency by any person as application forms to secure reratings.

(c) *Extent to which upward rerating may be extended.* In any case where a delivery to be made by a person has been rerated upward, such person (except as otherwise provided with respect to PRP Units in paragraph (f) of this regulation) may rerate deliveries to be made to him of the following material only:

(1) Material which will itself be delivered by such person on a rerated delivery, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or by-products in the course of processing, or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making the delivery, the inventory is reduced below such minimum, the new rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however*, That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design, or substitution of less scarce materials, which, in any case, do not substantially alter the purpose for which the same is to be used.

(3) Repair, maintenance and operating supplies, subject to the following conditions and limitations:

(i) The cost of all maintenance, repair and operating supplies to which a rating is extended in any month shall not exceed ten percent of the cost of materials described in subparagraphs (1) and (2) of this paragraph (c) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(ii) The cost of maintenance, repair and operating supplies consisting of metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32)[2] to which the rating is extended in any month shall not exceed two and one-half percent of the cost of materials described in said subparagraphs (1) and (2) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(iii) The term "maintenance, repair and operating supplies" as used in this subparagraph (3) shall include only those supplies which are actually required for directly processing the material described in subparagraphs (1) and (2) of this paragraph (c) or for maintenance or repair of production machinery and equipment used in such processing. It does not include maintenance or repair of building or office supplies; and

(iv) In cases where the material to be processed is furnished by the customer, the cost thereof to the customer shall, for the purposes of this paragraph (c), be taken instead of cost to the processor and the month in which the processing order is placed shall be taken in lieu of the month in which the material to be processed is ordered.

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[1] 7 F.R. 6256, 6465, 6866.

[2] 7 F.R. 4423, 4615, 4698, 4848, 5043, 5359, 6146, 6147, 6614, 7429.

When a delivery to be made by a person has been rerated, such person may *not* extend the new rating to any materials in excess of the quantities specified in this paragraph (c) nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance repair or operating supplies other than those specified above in subparagraph (3) of this paragraph (c). If rerating of such material is necessary, the new rating must be assigned by the appropriate government official.

(d) *Compulsory extension of downward reratings.* In any case where rating assigned to a person has been rerated downward, or a delivery to be made by a person has been rerated downward, such person shall rerate all uncompleted deliveries to be made to him to which he has extended the rating which has been changed. Such rerating must be effected by sending notice, in the manner provided in paragraph (g) of this regulation, not later than the fifth business day following the day on which the rerating is received.

(e) *Partial reratings.* In each case, the new rating extended by any person pursuant to paragraph (c) or (d) of this regulation shall be the same as the new rating which he has received for the rerated delivery to be made by him, even though this may require him to extend separate new ratings to items previously covered by a single rating; except that, to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items which might be rerated with new ratings of different grades may be combined, and the total delivery rerated with the new rating of the lowest grade.

(f) *Special provisions applicable to PRP Units.* No PRP Unit shall extend any rerating or redetermine the rating pattern which it is authorized to apply except that:

(1) Until receipt of its PRP certificate for the fourth quarter of 1942, (or October 5, 1942, whichever is later), a PRP Unit may continue to rate, or rerate, orders for delivery during such quarter in the manner and to the extent permitted by this Priorities Regulation No. 12 as amended August 10, 1942, but must comply with the provisions of paragraph (j) of Priorities Regulation No. 11, as amended, requiring certain adjustments of orders to conform to the authorization on the PRP certificate.

(2) After receipt of its PRP certificate for the fourth quarter of 1942, a PRP Unit may extend reratings only with respect to those deliveries to which it is entitled to extend ratings under paragraph (d) of Priorities Regulation No. 11, as amended.

(g) *Method of application or extension.* (1) In any case where a person (other than a Government agency authorized to issue Rerating Directions in the PD-4X series) has applied or extended a preference rating to a delivery to be made to him and is subsequently authorized or required to rerate such delivery pursuant to this regulation, he may at his option either:

(i) Furnish to his supplier a rerating certificate in the form of Form PD-4Y attached hereto, containing the information therein specified (other than Government contract numbers or other government identification, where none are required by the appropriate Government agency);

(ii) Notify his supplier in writing that the previous rating has been cancelled and furnish him with duplicate purchase orders carrying the appropriate endorsement for the new rating as provided by Priorities Regulation No. 3 (§ 944.23); or

(iii) Advise his supplier of the change in rating by letter or telegram listing the purchase orders on which the ratings are changed, giving the numbers of the original purchase orders, the original rating and the new ratings, and instructing the supplier to file such letter or telegram with the original purchase orders.

In any event, the information given to the supplier must be sufficiently specific with respect to the particular deliveries rerated so that he will be able to adjust his production schedules accordingly. The supplier must be specifically informed, by reference to purchase order numbers, delivery schedules, description of items or otherwise, as to which deliveries are subject to which new ratings. It is not sufficient to state merely that all outstanding purchase orders placed with the supplier are rerated according to specified percentages, unless the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the rerating on his production and delivery schedule, and except that, if the supplier consents, orders not yet in production may be rerated on a percentage basis, provided actual amounts and deliveries are identified by supplementary information furnished to the supplier before production is to be scheduled. The supplier shall be entitled to rely on the information given unless he knows or has reason to believe it to be false.

(2) Each person rerating any delivery to be made to him shall maintain at his regular place of business for not less than two years copies of all rerating certificates issued by him, records of the basis of each determination of a new rating pattern made by him pursuant to paragraph (f) (1) of this regulation, and all rerating directions or certificates received by him, upon which he relies as entitling him to such deliveries. In the case of a PRP Unit applying ratings pursuant to paragraph (f) (1) of this regulation, such records must clearly indicate which rating pattern has been used with respect to each order rated or rerated by the unit. All such records shall be kept segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. Notices to suppliers shall be signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose.

(h) *Use of new rating where rating has not yet been used.* If a person who is entitled or required to rerate a delivery to be made to him has not yet applied or extended a rating to such delivery, he may apply or extend the new rating in the same manner in which he could have applied or extended the earlier rating, subject to the provisions of Priorities Regulation No. 3 as amended (§ 944.23) and of this regulation.

(i) *Effective date of rerating.* The sequence of rated and rerated deliveries shall be determined as if the rerated item had carried the new rating at the time the first rating covering the delivery was received, and the person whose delivery is rerated shall make any necessary change in his production or delivery schedule promptly on receipt of the rerating: *Provided, however,* That:

(1) No person shall, by reason of a rerating, divert material specifically produced for an order bearing a rating higher than A-2 and deliver the same under the higher rerated order if such material is completed at the time the rerating is received or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the Director General for Operations, or unless the new rating is AAA;

(2) No person shall be required by reason of a rerating to terminate or interrupt a production schedule in any case where such termination or interruption would result in a substantial loss of production: *Provided, however,* That in any such case the termination or interruption of the schedule required by the rerating shall not be postponed more than forty days after such rerating is received.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9876; Filed, October 3, 1942; 11:57 a. m.]

PART 1002—IRON AND STEEL PRODUCTION

[Amend. 5 to Preference Rating Order P-68]

MAINTENANCE, REPAIR AND SUPPLIES

Paragraph (b) of Preference Rating Order P-68[1] § 1002.1) is hereby amended to read as follows:

(b) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned to deliveries to producers, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order.

(1) AA-2X to deliveries of operating material consisting of ferrous and nonferrous metals appearing on the metals list attachment to Priorities Regulation No. 11, as amended, or of fabricated metal parts, or lumber.

[1] 7 F.R. 1592, 2783, 6212.

(2) A–1–a to deliveries of all other operating material.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9875: Filed, October 3, 1942; 11:56 a. m.]

PART 1090—AGAVE FIBER

[Amendment 4 to General Preference Order M–84, as Amended August 5, 1942]

Section 1090.1 *General Preference Order M–84* [1] is hereby amended by the addition of subparagraph (8) to paragraph (d), to read as follows:

(8) Nothing contained in subparagraphs (2), (5), (6) or (7) of paragraph (d) shall prevent the processing, sale or delivery, prior to November 16, 1942, of agave cordage for use as wire rope centers.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9874; Filed, October 3, 1942; 11:57 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Schedule IV to Limitation Order L–157]

HEAVY FORGED HAND TOOLS

§ 1293.5 *Schedule IV to Limitation Order L–157* [2]—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, stamps, forges, or otherwise fabricates heavy forged hand tools.

(2) "Heavy forged hand tools" means such (i) bars, (ii) blacksmiths' anvil tools, (iii) mauls and hammers or sledges weighing 4 pounds or over, (iv) hoes weighing 3½ pounds or over, (v) mattocks, (vi) picks, (vii) railway track tools, (viii) tongs, (ix) wedges, (x) mine blasting hand tools, mine breast drills and miscellaneous forged hand tools, as are listed in Table 1 through Table 10 of Appendix A of this Schedule, and all other tools as are listed in said Tables.

(b) *Limitations.* Parts manufactured for repair and maintenance of any heavy forged hand tools are not subject to the limitations of this Schedule.

(c) *Simplified practices.* Pursuant to Limitation Order L–157 the sizes, types, grades, weights and finishes set forth in Appendix A and Tables 1 through 10 of this schedule are established for the manufacture of heavy forged hand tools.

(d) *Effective date of simplified practices.* On and after the 3rd day of November, 1942, no heavy forged hand tool which does not conform to the size, type, grade, finish, weight and standard established by paragraph (c) of this schedule (and set forth in Appendix A and tables hereto) shall be produced by any producer except upon approval of the Director General for Operations.

(e) *Records covering materials, work in progress, etc.* Each producer of heavy forged hand tools shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3rd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX A TO SCHEDULE IV

Explanations and Limitations

(1) *Finishes.* Faces, bits, points, and other commonly ground parts of a heavy forged hand tool shall not have a finish finer than the finish resulting from the use of a 60-grit emery wheel, dry, when good commercial technique is employed, except that sample tools selected from a lot for inspection may be polished to as fine a degree as may be necessary for such inspection. All other surfaces of heavy forged hand tools shall not be finished other than by applying a coating of paint, enamel, or lacquer over the natural forged surface, free from scale.

(2) *Sizes.* Weights given herein are exclusive of wooden handles. Dimensions and weights are subject to commercial tolerances.

(3) *Eyes.* The shapes of eyes specified by number herein and the dimensions of eyes, except those for which dimensions are given herein, shall conform with the diagrams and data on eye shapes and sizes shown pp. 10 to 18, inclusive, of Simplified Practice Recommendation R17–35, Forged Tools, issued by the National Bureau of Standards.

(4) Chisels, track (designs 1 and 2, A. R. E. A.) as set forth in table 7 of this Appendix; mauls, Pittsburgh or Bell pattern (designs 1 and 2, A. R. E. A.) as set forth in table 3 of this Appendix; and blacksmiths' double face sledges in 6-, 8-, 10-, and 12-pound sizes as set forth in table 3 of this Appendix; may be made of carbon steel or of such National Emergency alloy steels as are permitted by the Director General for Operations. All other tools listed in this Schedule, Appendix and Tables shall be made of carbon steel only.

(5) No producer shall offer the tools listed herein in more than one grade, finish, or kind of steel, except as provided in paragraph 4 above.

(6) Reference herein to "the forged hammers schedule" and to "the forged hatchets schedule" refer to Schedule II of Limitation Order L–157.

TABLE 1.—BARS

Chisel point:					
Diameter of octagon or hexagon	inch	⅝	¾	⅞	1
Length	inches	18	24	30	36
Claw, carpenters' and wrecking:					
Carpenters, gooseneck (the nail-pulling claw end bent around to form an angle of approximately 30 degrees with shaft of the bar, the other end wedge shaped and offset at an angle of about 30 degrees):					
Size of Hexagon or octagon	inches	½	¾	¾	¾
Length	do	12	24	30	36
Carpenters', gooseneck (the nail-pulling claw end bent by a double bend to an angle of from 90 to 120 degrees with the shaft of the bar, the other end wedge shaped and offset at an angle of about 30 degrees):					
Size of octagon or hexagon	inch	¾	¾	¾	
Over all length	inches	24	30	36	
Wrecking or straight (both ends offset at an angle of approximately 30 degrees, in opposite directions, one end wedge shaped and the other provided with a claw):					
Diameter of octagon or hexagon	inch	¾	¾	¾	
Length	inches	24	30	36	

Claw, railroad:

A. R. E. A. [3] *design No. 1:* 5 feet long, approximately 28 pounds.

A. R. E. A. design No. 2: 5 feet long, approximately 28 pounds.

Double end (for railroad and boat spikes): 30-pound.

Flextoe.

Light, with railroad standard heel: 4-foot, 20-pound, for ½-inch spike.

Small, without heel:

3-foot, 8-pound, for ⅜ and ½-inch spikes.

2½ foot, 6-pound, for ⅜ and ½-inch spikes.

Other railroad claw-bars: None.

Coal or slate (one end tapered to a point, the other wedge-shaped and offset): 4½-foot, 1-inch octagon or hexagon, 11½-pound.

Crow, pinch-point: 3-pound, ⅝-inch, 2-foot; and 6-pound, ⅞-inch, 3-foot.

Crow, pinch- and wedge-point:

Weight each	pounds	12	18	26
Size	inches	1⅛	1¼	1½
Length	inches	51	60	66

Crow, pinch, locomotive (with toothed heel): None.

Crow, pinch, with heel: 29-pound, 66-inch.

Crow, pinch or jimmy (or miners, or Dillonvale. Has offset wedge-shaped point): None.

Digging, post-hole:

With tamper: 5½ to 6 feet long, 1 inch in diameter; blade 3 inches wide, tamper 2¼ inches in diameter, one model only.

With loop end: None.

With point end: 8 feet long, 1⅛-inch octagon or hexagon.

Flagging or paving: None.

Lining, diamond-shaped point:

Weight each	pounds	18	26
Size	inches	1¼	1½
Length	inches	60	66

Lining, round point: None.

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[1] 7 F.R. 6144, 6599.

[2] 7 F.R. 5557, 6046.

[3] See Specifications and Plans for Track Tools, published by the American Railway Engineering Association, Construction and Maintenance Section, Association of American Railroads, 1942, annual edition.

Pinch or jimmy bar (one end wedge-shaped and offset, other end straight, round, and tapered):

Size of octagon or hexagon—inch	¾	⅞	1
Length—inches	26	30	36

Shackle: None.

Tamping, chisel end: A. R. E. A. plan No. 14; approximately 13 pounds.

Tamping, diamond tamp, spear end: None.

Tamping, end (offset loop handle): None.

Tamping, plain end: None.

Tamping, spade end: None.

Tamping, spear end: 15-pound, 68-inch, 4-inch tamper, 4¾-inch spear.

Tamping, telegraph (wide tamp): None. (See Digging.)

Tamping, with wooden handle: None.

Timber (both ends offset at an angle of approximately 30 degrees, diamond-shaped point on one end, and chisel point on the other): 17-pound, 1⅛-inch stock, 5-foot.

TABLE 2.—BLACKSMITHS' ANVIL TOOLS

Chisels, cold:

Sizes of stock at eye—inches	1¼	1½	1¾
Length—do	6	7	8
Bit—do	1¼	1½	1¾
Weight—pounds	2	3	5

Chisels, hot:

Sizes of stock at eye—inches	1¼	1½	1¾
Length—do	7⅜	8¼	9¾
Bit—do	1½	2	2¼
Weight—pounds	2	3	5

Flatters:

Sizes of face—inches	2	2½	3	4

Fullers, top: Sizes of groove, inches, ¼, ⅜, ½, ¾, 1, 1¼, 1½, 1¾, 2.

Fullers, bottom (shank for 1-inch anvil hole, 2⅜ inches long for all sizes): Sizes of groove, inches, ¼, ⅜, ½, ¾, 1, 1¼, 1½, 1¾, 2.

Hardies (shank 2⅜ inches long for all sizes): Sizes of square shank, inches, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼.

Bit, inches, 1⅝, 1¾, 1⅞, 2, 2⅛, 2¼, 2⅜.

Heading tools:

Diameter of hole (inches)	Length (inches)	Size of head (inches)
¼	15	1¼ x 2¼
⅜	15	1¼ x 2¼
½	15	1¼ x 2¼
⅝	15	1¼ x 2¼
¾	16	1⅝ x 2½
⅞	16	1⅝ x 2½
1	16	1⅝ x 2½

Punches, round end:

Sizes of round punch—inches	¼	⅜	½	⅝	¾	⅞	1
Stock at eye—do	1⅛	1⅛	1¼	1⅜	1⅜	1½	1½
Length—do	7	7¼	7½	7¾	8	8¼	8½

Punches, square end:

Sizes of square punch—inches	¼	⅜	½	⅝	¾	⅞	1
Stock at eye—do	1⅛	1⅛	1¼	1⅜	1⅜	1½	1½
Length—do	7	7¼	7½	7¾	8	8¼	8½

Set hammers:

Square sizes of stock at face—inches	1¼	1½	1¾
Weight—pounds	1½	2	2¾

Swages, top: Sizes of peen, inches, ¼, ⅜, ½, ⅝, ¾, ⅞, 1 1¼, 1½, 1¾, 2, 2½, and 3.

Swages, bottom, with shank for 1-inch anvil hole: Sizes of peen, inches, ¼, ⅜, ½, ⅝, ¾, ⅞, 1, 1¼, 1½, 1¾, 2, 2½, and 3.

TABLE 3.—HAMMERS, MAULS, AND SLEDGES

Hammers:

Blacksmiths', double-face (See sledges).

Blacksmiths', hand, cross peen: (For smaller sizes see forged hammers schedule.)

Weight—pounds	4
Length—inches	5½
Eye size No.	2
Eye size—inches	¾ by 1

Bush: 6-pound.

Caulking: None.

Drilling, hand: (See forged hammers schedule.)

Engineers', hand, cross peen: (See also sledges, blacksmiths'): 4-pound. (For smaller sizes see forged hammers schedule.)

Engineers', double face: 4-pound.[1] (For smaller sizes see forged hammers schedule.)

Macadam: None.

[1] Same as 4-pound blacksmiths' double face sledge.

TABLE 3.—HAMMERS, MAULS, AND SLEDGES—Continued.

Masons': None.

Masons', with teeth: None.

Napping: 4-pound, 6¼-inch; No. 2, ¾ by 1 inch eye, and 6-pound, 6¾-inch, No. 2, 1 by 1¼ eye.

Paving: None.

Riveting: None. (For machinists' riveting hammers see forged hammers schedule.)

Slashing: None.

Spalling, single face:

Weight—pounds	6	8	16	20
Length—inches	6½	7¾	9½	10½
Eye No.	2	2	2	2
Eye size—inches	1 by 1¼	1 by 1¼	1 by 1⅜	1¼ by 1½

Spalling, double face:

Weight—pounds	4	8	12	16
Length—inches	6	6½	7	8
Eye No.	2	2	2	2
Eye size—inches	¾ by 1	1 by 1¼	1 by 1⅜	1 by 1⅜

Striking, Missouri pattern: None.

Striking, short or Oregon pattern: None.

Striking, long or Nevada pattern:

Weight (pounds)	Length (inches)	Eye No.	Eye size (inches)
4	5¾	2	¾ by 1
6	6½	2	1 by 1¼
8	7¼	2	1 by 1¼
10	7¾	2	1 by 1⅜
12	8	2	1 by 1⅜
16	8½	2	1 by 1⅜

Mauls:

Coal: None.

Ship or top: 5-pound, 8¾-inch; Eye No. 2, 1 by 1¼ inch.

Spike, railroad:

Standard pattern (any two of the following):

Weight—pounds	4	8	10
Length—inches	9	12	12¾
Eye No.	2	2	2
Eye size—inches	¾ by 1	1 by 1⅜	1 by 1⅜

Pittsburgh or bell pattern:

A. R. E. A. design No. 1: 14-inch, approximately 10-pound.

A. R. E. A. design No. 2: 15-inch, approximately 10-pound.

Woodchoppers':

Straight bit, oval eye: None.

Oregon pattern, single-bit-axe eye: None.

Oregon pattern, double-bit-axe eye:

Weight—pounds	6	8
Length—inches	8½	9⅛
Eye No.	5	5
Eye size—inches	⅞ by 2⅛	⅞ by 2⅛

Oregon pattern, oval eye:

Weight—pounds	6	8
Length—inches	8½	9⅛
Eye No.	2	2
Eye size—inches	1 by 1¼	1 by 1¼

Sledges:

Blacksmiths', cross peen:

Weight—pounds	6	8	10	12	16
Length—inches	6½	7	7½	8	9
Eye No.	2	2	2	2	2
Eye size—inches	1 by 1¼	1 by 1¼	1 by 1⅜	1 by 1⅜	1 by 1⅜

TABLE 3.—HAMMERS, MAULS, AND SLEDGES—Continued

Sledges—Continued.

Blacksmiths', straight peen:

Weight	pounds	8	12	14
Length	inches	7	8	8½
Eye No.		2	2	2
Eye size	inches	1 by 1¼	1 by 1⅜	1 by 1⅜

Blacksmiths', double face:

Weight (pounds)	Length (inches)	Eye No.	Eye size (inches)
4	5¼	2	¾ by 1
6	6	2	1 by 1¼
8	6½	2	1 by 1¼
10	7	2	1 by 1⅜
12	7½	2	1 by 1⅜
20	8¾	2	1¼ by 1½

Moulders: None.
New England pattern, cross peen: None.
Ore: None.
Stone, flat face: None.
Stone, oval face:

Weight	pounds	8	12	16	20
Length	inches	7¼	8¼	9¼	9¾
Eye No.		2	2	2	2
Eye size	inches	1 by 1¼	1 by 1⅜	1 by 1⅜	1¼ by 1½

TABLE 4.—HOES

Accomac: 5-pound (nominal), blade 5⅞ to 6¾ inches, length 11 to 11¾ inches.
Clay: None.
Grub: 3½-pound, 3¾-inch bit, 10¾ inches long, No. 8 eye.
Grub, Baltimore pattern: None.
Hazel: None.
Palmetto (Accomac type, but with heavier blade): None.
Vineyard: None.

TABLE 5.—MATTOCKS

Asphalt, double eye: 10-pound, 3-inch bits, 20 inches long.
Asphalt, single eye: None.
Brush: None.
Cutter:
3-pound, 13 inches over all, eye No. 7.
5-pound, 15¾ inches over all, eye No. 6.
Nursery: None.
Pick: 5-pound, 3½-inch blade, 19 inches over all, eye No. 6.
Pick and cutter: None.
Pick, intrenching: To be in accordance with U. S. Army Specification No. 17–171.

TABLE 6.—PICKS

Boiler, or scaling hammer: 1-pound.
Canadian pattern, with sleeve: None.
Coal miners, adze eye: None.
Coal miners, anthracite pattern: 2-, 2½-, 3-, 3½-, and 4-pound; eye sizes same as specified for coal miners, lip eye.
Coal miners, lip eye:
Cutting or straight pattern,
Mining or anchored pattern, short, and
Mining or anchored pattern, long:
1½-pound, 2-pound: eye No. 10, but with larger opening 2¾ by ¾ inch.
2½-pound, 3-pound: eye No. 10, but with larger opening 3 by ¾ inch.
3½-pound, 4-pound, 5-pound: eye No. 10, but with larger opening 3⅛ by ¾ inch.

TABLE 6.—PICKS—Continued

Coal, special construction (attached to handle by means of a collar and bolt): None.
Concrete (similar in shape to quarry pick): None.
Contractors, diamond pointed: None.
Contractors, point and chisel ends: 9-pound, 30-inch, eye No. 6.
Contractors, round pointed, or Yankee pattern: 8-pound, 30-inch, eye No. 6.
Drifting:

Weight	pounds	4	5	6
Length	inches	21	25	26
Eye No.		10	10	10

Drifting (all other models): None.
Mill: 2-pound.
Poll, or mining: 5-pound, 16-inch, eye No. 10.
Poll, or locomotive: 5 to 6 pound. One model only.
Poll, or zinc mining: None.
Prospectors': (See forged hammers schedule.)
Quarry: None.
Railroad or clay:
Double pointed: 8-pound, 26-inch, eye No. 6.
Point and chisel ends: 6-pound, 23-inch, eye No. 6; 7-pound (A. R. E. A. design) 25-inch, eye No. 6, and 9-pound, 27-inch, eye No. 6.
Eyeless: None.
Rock or ore:
Point and chisel ends: 7-pound, 22-inch, eye No. 6.
Double pointed: 7-pound, 22-inch, eye No. 6.
Stone: None.
Surface: None.
Tamping:
A. R. E. A. V-tamp: 8-pound approximately, 24½-inch, eye No. 6.
T-tamp: 10-pound, 4 x ¾ inch tamp, 24½ inches long, eye No. 6.
T-tamp, eyeless: None.
Diamond tamp: None.
Diamond tamp, eyeless: None.
Trimmers': None.

TABLE 7.—RAILWAY TRACK TOOLS NOT ELSEWHERE CLASSIFIED

Chisel, broom: None.
Chisel, track (alloy or open hearth steel):
A. R. E. A. design No. 1, 5¼-pound, 9¼ inches long;
A. R. E. A. design No. 2, 5½-pound, 10½ inches long.
Fork, rail: A. R. E. A. design, 13-pound.
Puller, spike: A. R. E. A. design, 4-ball, 2½-pound.
Punch, tie plug: A. R. E. A. design, 4-pound.
Punch, track, round point: A. R. E. A. design, 5½-pound.
Tongs, rail: A. R. E. A. design, 22-pound.
Tongs, tie: A. R. E. A. design, 10-pound. (May be furnished with lugs.)
Tongs, timber: Old or new A. R. E. A. design.
Wrenches, track, single and double end: A. R. E. A. design, jaw openings as desired.
Wrenches, track, mine:
Double end, S pattern:
For ½- and ⅝-inch bolts, 10½ inches long over all, maximum weight 1½ pounds, jaw opening as desired.
Single end, other end tapered for lining up holes:
For ½-inch bolts, 11½ inches long over all, maximum weight 1½ pounds, jaw opening as desired.

TABLE 8.—TONGS

Bit, with oblong boxed jaws:
Curved pattern: 3½-pound.
Straight pattern: None.
Blacksmiths' bolt, curved lip, fluted jaw:

Diameter of bolt	inches	¼	⅜	½	⅝	¾	⅞	1	1½
Length	do	18	18	20	22	22	24	24	26

Gad, flat jaw: 24-inch.
Horseshoers': 16-inch.
Pick: 24-inch.

TABLE 9.—TONGS—Continued

Pick-up, double: 24-inch.
Pick-up, single: 24-inch.
Rivet: 24-inch.
Rivet heaters': 30-inch.
Sticker, straight or curved: 20-inch.
Straight fluted lip: 18-, and 24-inch.

TABLE 9.—WEDGES

Bucking, Pacific coast: 6-pound.
Coal: 2-, 2½-, 3-, and 3½-pound (one pattern only, to be proportioned as desired between the present short and long patterns.)
Coal, anthracite pattern: 2-, 2½, 3-, and 3½-pound.
Falling, broad pattern with ear: None.
Falling, Pacific coast: 5- and 8-pound.
Falling, Lake Superior pattern (sometimes called a splitting wedge): None.
Falling, narrow pattern: None.
Falling, Oregon pattern: None.
Falling, Puget Sound pattern: None.
Falling, Townsend pattern: None.
Frost: 16-pound.
Hanging (any wedges with holes in center of head): None.
Rock: None.
Saw, heavy pattern, with ear: None.
Saw, improved: ½-, 1-, 2-, and 3-pound.
Splitting, cedar: None.
Splitting, Oregon: 6-pound.
Standard or square head: 3-, 4-, 5-, and 6-pound.
Stave: 3- and 4-pound.
Stone: 2- and 4-pound.
Tie: None.
Truckee, or round head: 4-, 5-, and 6-pound.
Truckee, flared bit: None.
Wood, prouty: None.

TABLE 10.—MISCELLANEOUS FORGED HAND TOOLS, MINE BLASTING HAND TOOLS, AND MINE BREAST DRILLS

Axe, stone, double bit: None.
Bull points, hand:

Length	inches	12	15	24			
Bar size	do	⅞	1	1¼			

Chisel, side: 5-pound.
Chisels, welders' hot, alloy steel: 5-pound, 2-inch bit, stock at eye 1¼-inches, eye No. 2, eye size ¾ x 1 inch.
Chisels (varieties similar to blacksmiths' cold and hot chisels, such as drift, splitting, car, foundry, etc.): None.
Drift pin, barrel type and plug or taper type:

Diameter of stock	inches	7/16	9/16	11/16	13/16	15/16	1 1/16	1 3/16
Length	inches	6	6½	7	7½	8	8½	9

Froes, cooper: 5-pound, 14-inch.
Gouge, handle: None.
Punch, backing out:

Diameter of face	inches	⅜	½	⅝	¾	⅞	1
Stock at eye	do	1⅛	1¼	1⅜	1⅜	1½	1½
Over all length	do	7¼	7½	7¾	8	8¼	8½

Rivet header or rivet set (also known as button sets): To be made in one type only:

Size of rivet	inches	½	⅝	¾	⅞
Weight	pounds	2½	3	4	5

MINE BLASTING TOOLS

Needles, copper: ⅜-inch stock, 6-, and 7-foot lengths.
Needles, steel: None.
Tamp drills, copper headed:

Diameter of copper head (inches)	Diameter of steel body (inches)	Lengths (feet)	Length of copper head (inches)
1¼	¾	6 and 7	5
1½	¾	6 and 7	5
2	1	6 and 7	5

Tamp drills, all steel: None.
Scraper and copper headed tamper (with steel scraper): Same sizes as copper headed tamp drills.
Scraper and copper headed tamper (with detachable copper scraper): None.
Scrapers, double end (one end detachable copper): None.
Scrapers, double end, all steel: Diameter of steel body, ⅜-inch; lengths 6 and 7 feet.
Scrapers, spoon and sump type: None.
Scraper and tamper, all steel: None.
Scraper, all steel, with loop handle: None.

MINE BREAST DRILLS

Breast augers, complete, single and double crank:

Length, including that of twist and crank stem (feet)	Length of twist (feet)	Sizes of oval augers (inches)	Size of conveyor augers (inches)
6	5	1¼, 1½	1½
7	6	1¼, 1½, 2	1½
8	7	1½	1½
9	8	1½	1½

Cranks, for breast augers, single and double: Lengths of stems (distance from threaded end to crank) 6- and 18-inch.

Twists, for single and double crank breast augers (with 6-inch shanks threaded for coupling to crank):

Length of twist, exclusive of shank (feet)	Sizes of oval augers (inches)	Size of conveyor augers (inches)
5	1¼, 1½	1½
6	1¼, 1½, 2	1½
7	1½	1½
8	1½	1½

[F. R. Doc. 42-9866; Filed, October 3, 1942; 11:55 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[Amendment 1 to General Limitation Order L-183]

Section 3037.1 *Limitation Order L-183*[1] is hereby amended:

By adding to Schedule A the following:

5. Any equipment purchased under a specific order, contract or subcontract, bearing a preference rating of A-3 or higher for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, Defense Plant Corporation, or any foreign country designated pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act.)

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9888; Filed, October 3, 1942; 12:40 p. m.]

PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[General Preference Order M-242]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sulfamic acid and sulfamic acid derivatives for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3097.1 *General Preference Order M-242*—(a) *Definitions.* For the purposes of this order:

(1) "Sulfamic acid" means the chemical compound of that name having the formula HSO_3NH_2.

[1] 7 F.R. 7396.

(2) "Sulfamic acid derivatives" means ammonium sulfamate and fire retardants made from sulfamic acid.

(3) "Producer" means any person engaged in the production of sulfamic acid or sulfamic acid derivatives and includes any person who has any such material produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased, or purchases, sulfamic acid or any sulfamic acid derivative for resale.

(b) *Restrictions on delivery.* (1) On and after November 1, 1942 no person shall deliver or accept delivery of sulfamic acid or any sulfamic acid derivative without the specific authorization of the Director General for Operations upon application pursuant to paragraph (d) hereof.

(2) Each person accepting delivery of sulfamic acid or any sulfamic acid derivative pursuant to specific authorization of the Director General for Operations shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given by the Director General for Operations at any time after the date of issuance of this order, with respect to the use or delivery of sulfamic acid or with respect to the use or delivery of any sulfamic acid derivative.

(c) *Production and establishment of inventories.* (1) Each producer shall comply with such directions as may be given by the Director General for Operations at any time after the date of issuance of this order, with respect to the production of sulfamic acid or with respect to the production of any sulfamic acid derivative.

(2) Each person shall comply with such directions as may be given by the Director General for Operations at any time after the date of issuance of this order, with respect to the establishment of inventories of sulfamic acid or with respect to the establishment of inventories of any sulfamic acid derivative.

(d) *Applications and reports.* In addition to such other reports as may be required from time to time by the Director General for Operations:

(1) Each person seeking authorization to accept delivery of sulfamic acid or of any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD-600. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M-242", and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer, specify:

Ammonium sulfamate.
Fire retardant.
Flameproofed textiles.
Laboratory reagents.
Leather.
Cellophane.
Dyestuffs.
Dry color.
Electroplating solution.
Other.

If "other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify:

Military materials.
Non-military materials.
Military clothing.
Non-military clothing.
Quartermaster Corps confidential.
Other Governmental Agencies (identify) specification number.
Nitrite removal.
Washing agents.
Fixing agents.
Peptizing pigments.
Other.

If "other" is specified describe briefly.

(2) Each producer and distributor seeking authorization to deliver sulfamic acid or any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply therefor on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M-242", and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Columns 3 and 8.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(e) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sulfamic acid and sulfamic acid derivatives, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-242.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9867; Filed, October 3, 1942; 11:56 a. m.]

Subchapter A—General Provisions

PART 905—SPECIFICATIONS

[Directive 9]

NATIONAL EMERGENCY SPECIFICATIONS FOR THE DESIGN OF REINFORCED CONCRETE BUILDINGS

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, No. 9040 of January 24, 1942, and No. 9125 of April 7, 1942, and pursuant to the policy stated in the Joint Directive of the War Production Board and the War and Navy Departments dated May 20, 1942, and the Army and Navy Munitions Board "List of Prohibited Items for Construction Work," dated April 1, 1942, as revised June 29, 1942, the following policy is prescribed (1) for the War Production Board and for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, National Housing Agency, and (2) for all other Departments and Agencies in respect to war construction and the financing of war construction.

§ 905.2 *National Emergency Specifications for the design of reinforced concrete buildings—Adoption of specifications.* (a) National Emergency Specifications for the Design of Reinforced Concrete Buildings issued by the War Production Board on October 5, 1942, shall apply to and shall govern the designing of reinforced concrete buildings which are constructed by, or the construction of which is financed by, or the construction of which must be approved by any of such

departments or agencies, the contracts for which are placed after a date sixty days after the issuance of this directive. Such departments and agencies are, however, empowered to put such emergency specifications into immediate effect wherever possible.

(b) With respect to any such contracts already placed by any of said departments or agencies or entered into prior to a date sixty days after the issuance of this directive, the department or agency concerned shall review the contract promptly and shall change to said emergency specifications unless such change will result in any substantial delay in the war effort.

(c) The department or agency undertaking or approving the construction shall obtain from the person in responsible charge of the design of each such building a certificate to the effect that such emergency specifications have been complied with. In cases where Forms PD-200 and PD-200A must be filed with the War Production Board in order to obtain authorization to begin construction of such building, such certificate shall be filed with said forms.

(d) Authority to depart from the provisions of this directive may, upon specific request, be granted by the Director General for Operations of the War Production Board, or by such person or persons as he may designate for this purpose.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-9921; Filed, October 5, 1942; 11:34 a. m.]

Subchapter B—Director General for Operations

PART 1147—COLLAPSIBLE TUBES

[Conservation Order M-115, as Amended October 5, 1942]

1. The designation of Part 1147 (formerly "Collapsible Tin, Tin-coated, and Alloy Tubes") is hereby amended to read "Collapsible Tubes."

2. Section 1147.1 *Conservation Order M-115* is hereby amended to read as follows:

§ 1147.1 *Conservation Order M-115*, as amended October 5, 1942—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, lead, or any combination thereof and includes closures, crowns and caps for such tubes.

(3) "Class I tube" means a tube used or intended to be used to pack any product listed on Table I, annexed hereto.

(4) "Class II tube" means a tube used or intended to be used to pack any product listed on Table II, annexed hereto.

(5) "Class III tube" means a tube used or intended to be used to pack any product listed on Table III annexed hereto.

(6) "Class IV tube" means a tube used or intended to be used to pack any product listed on Table IV, annexed hereto.

(7) "Non-essential tube" means any tube other than a tube described in subparagraphs 3, 4, 5 and 6 above.

(8) "Tube user" means any person, whether or not he is also a tube manufacturer, engaged in the business of packing or filling tubes with any product of any kind for sale to others.

(9) "Retailer" means a person other than a distributor who sells or distributes tubes to the ultimate purchaser.

(10) "Distributor" means a person who sells or distributes tubes to retailers, including, but not limited to, wholesalers, jobbers, tube users, and tube manufacturers when they are engaged in such sale or distribution.

(11) "Ultimate purchaser" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) *Restrictions upon the manufacture, sale and delivery of blanks and tubes and upon the use of tubes for packing*—(1) *Non-essential tubes.* No person shall manufacture or sell, for non-essential tubes, blanks containing any tin (but not including tin present as an impurity amounting to 0.5% or less); no tube manufacturer shall manufacture or sell non-essential tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less); and no tube user shall use any tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less) to pack any product not listed on Tables I, II, III, or IV.

(2) *Class I tubes.* Notwithstanding the provisions of Conservation Order M-43-a, as amended, and until further order by the Director General for Operations there shall be no restriction upon the percentage of tin which may be used in the manufacture of Class I tubes, nor on the number of such tubes manufactured or used for packing products listed on Table I.

(3) *Class II tubes.* No person shall manufacture or sell for Class II tubes blanks containing more than 7½% of tin by weight; no tube manufacturer shall manufacture or sell Class II tubes containing more than 7½% of tin by weight; and no tube user shall use any tube containing more than 7½% of tin by weight to pack any product listed on Table II.

(4) *Class III tubes.* No person shall manufacture or sell for Class III tubes blanks containing more than 5% of tin by weight; and no tube manufacturer shall manufacture or sell Class III tubes containing more than 5% of tin by weight; and no tube user shall use any tube containing more than 5% of tin by weight to pack any product listed on Table III.

(5) *Class IV tubes.* No person shall manufacture or sell for Class IV tubes blanks containing more than 1½% of tin by weight; no tube manufacturer shall manufacture or sell Class IV tubes containing more than 1½% of tin by weight; and no tube user shall use any tube containing more than 1½% of tin by weight to pack any product listed on Table IV.

(6) *Quota for Table III and Table IV products.* No tube user shall pack in tubes, during each of the three-month periods beginning April 1, 1942, July 1, 1942, and October 1, 1942, respectively, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the corresponding three-month period of 1940, or at his option no more than 25% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the whole of 1940: *Provided,* That no tube user shall pack in tubes during the period between April 1, 1942 and December 31, 1942, inclusive, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the last nine months of 1940. All percentages above mentioned shall be based upon volumetric weight. Said percentages shall be in addition to the products listed on Table III and Table IV which are packed in tubes and sold and delivered to the Army or Navy of the United States or the United States Coast Guard (including but not limited to post exchanges, ships' stores, ships' service stores, and marine exchanges), and in addition to products listed on Table III and Table IV which are packed in tubes having no greater tin content than that prescribed in paragraph (c) (1) of this order for non-essential tubes.

(d) *Further conservation of tin.* (1) All manufacturers and users of all the kinds of tubes covered by this order shall cooperate in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tin coating on such tubes to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed.

(2) All manufacturers of all kinds of tubes permitted to be manufactured or filled by this order and all tube users packing products in such tubes are ordered to concentrate to the greatest extent practicable upon the larger-size tubes and to manufacture and to use for tube filling respectively as high a proportion of larger-size tubes (as compared with smaller-size tubes) as may be feasible and practicable. All such manufacturers and tube users are further ordered to substitute, for all tubes made in whole in part of tin, containers made of other materials to the extent

that such substitution may be feasible and practicable.

(3) No retailer shall sell or deliver any filled Class III or Class IV metal tube to any ultimate purchaser (except as bona fide samples, manufactured prior to the 15th day of June, 1942, which are distributed indiscriminately and without any conditions) unless such purchaser delivers to such retailer concurrently with his purchase one used metal tube of any kind for each metal tube delivered to such purchaser. All such used tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. In no case shall any consideration be paid or received for any used tubes so delivered and no person (including, but not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall, except as otherwise expressly permitted by this paragraph (d) (3), deliver any used tube of any kind to any person except those designated above. Damaged or unused tubes shall, at the option of the holder, be returned for credit to the party from whom they were purchased or delivered to the Tin Salvage Institute as agent for Metals Reserve Company.

(4) Nothing in this order shall prevent the manufacture of nonessential or other tubes from blanks already manufactured on the 1st day of April, 1942, or the sale and delivery of tubes so manufactured or the use of same for packing any products, whether or not listed on Tables I, II, III and IV of this order. *Provided, however,* That the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(5) Nothing in this order shall prevent the sale, delivery, purchase, acceptance of delivery and use of tubes containing no more than 7½% of tin by weight for packing products listed in Tables III and IV of this order, provided said tubes were made from blanks which had already been manufactured on the 5th day of October 1942; and provided further that the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes already packed and in the hands of retailers on the 15th day of June, 1942, holding multiple units, including filled Class III or Class IV tubes, the value of which comprises not over 25% of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(7) Compliance with the used tube exchange provision set forth in paragraph (d) (3) hereof shall not be required in connection with the sale or distribution of Class III or Class IV tubes when made by the following agencies or instrumentalities of the United States Government; namely, army exchanges, ships stores, ships service stores, and marine exchanges; if made under any of the following circumstances:

(i) Distributions or sales, made aboard ship, in the Territory of Alaska, or outside the continental limits of the United States.

(ii) Distributions or sales made at ports of embarkation, induction centers, receiving stations, receiving ships, to newly inducted selectees or enlistees or other persons designated by the commanding officer.

(iii) Sales or distributions made in hospitals under the jurisdiction of the armed forces of the United States to casualties of war.

Provided, however, That no tubes containing more than 7½% tin shall be sold or delivered pursuant to this subparagraph: *And further provided,* That the exemption provided by this subparagraph shall be subject to such conditions as shall be prescribed by the appropriate authorities of that branch of the Government under whose jurisdiction the above named agencies or instrumentalities respectively operate.

(e) *Certificates and reports relating to all the kinds of tubes covered by this order*—(1) *Certificates of tube users.* Each tube user who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A, that such tube user is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such tube manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube user to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false.

(2) *Certificates of retailers.* Each retailer who purchases any filled Class III or Class IV tubes shall furnish to the manufacturer or distributor from whom he buys a certificate, in substantially the form attached hereto as Exhibit B, that such retailer is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such manufacturer or distributor in violation of its terms. Only one such certificate covering all present and future purchases from a given manufacturer or distributor need be furnished by a retailer, but no manufacturer or distributor shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false: *Provided, however,* That such certificates shall not be required in connection with the export of filled Class III or Class IV tubes from the forty-eight states of the United States of America and the District of Columbia.

(3) *Reports.* Each tube manufacturer and each tube user shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order, and no tube manufacturer or distributor shall sell any tubes except under contracts or orders validated by the certification required by this paragraph (e).

(f) *Miscellaneous provisions*—(1) Appeal. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, on such form as may be prescribed, Ref.: M–115, setting forth, the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube user if he knows, or has reason to believe, that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C., Ref.: M–115.

(5) *Effect of other orders.* Except as provided in paragraph (c) (2) above, insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued

limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

WAR PRODUCTION BOARD
DIRECTOR GENERAL FOR OPERATIONS

TUBE USER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (1) of Conservation Order M-115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube user purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

(Tube user's address) (Date)

In accordance with paragraph (e), subparagraph (1) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said Conservation Order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

---
(Name of tube manufacturer)

(Address of tube manufacturer)

in violation of the terms of said order and amendments.

(Legal name of tube user)
By---
(Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B

WAR PRODUCTION BOARD

DIRECTOR GENERAL FOR OPERATIONS

RETAILER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (2) of Conservation Order M-115. One copy of this certificate is to be delivered to each distributor from whom the retailer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

(Retailer's address) (Date)

In accordance with paragraph (e), subparagraph (2) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said conservation order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

---
(Name of tube manufacturer or distributor)

(Address of tube manufacturer or distributor)

in violation of the terms of said order and amendments.

(Legal name of retailer)
By ---
(Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

TABLE I—(CLASS I TUBES)

1. Preparations compounded extemporaneously for dispensing by pharmacists on legally constituted prescriptions of physicians, dentists, or veterinarians.
2. Ointments and other preparations for ophthalmic use.
3. Sulfonamide ointments and blood plasma.
4. Diagnostic extracts (allergens).

TABLE II—(CLASS II TUBES)

1. (a) Medicinal and pharmaceutical ointments not included in Table I:

(b) Preparations which are intended for introduction into body orifices (nasal, vaginal, rectal, surgical jelly, etc.), not included in Table I.

TABLE III—(CLASS III TUBES)

1. Dental cleansing preparations.

TABLE IV—(CLASS IV TUBES)

1. Shaving preparations.

[F. R. Doc. 42-9922; Filed, October 5, 1942; 11:34 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[Preference Rating Order P-133]

Section 3037.5 *Preference Rating Order P-133*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in (a) (1) above but does not include recording discs, film, other recording media, fuel, office or building supplies, or equipment of any kind.

(b) *Assignment of preference rating.* Subject to the terms of this order, preference rating of A-1-j is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Restrictions on inventory and use.* The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is required has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at

25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

Name of Purchaser	Address
By	
(Signature and title of duly authorized officer)	Date

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

[F. R. Doc. 42-9923; Filed, October 5, 1942; 11:34 a. m.]

PART 3049—SOFTWOOD LUMBER

[Amendment 2 to Conservation Order M-208]

Section 3049.1 (*Conservation Order M-208*) is hereby amended in the following respects:

1. Paragraph (a) (1) is amended by striking out "or any species of softwood" and inserting in lieu thereof "of any species of softwood."

2. Paragraphs (a) (2), (3), (4) and (5) are amended to read as follows:

(2) "Class 1 orders" means purchase orders or contracts for softwood lumber to which preference ratings of AA-1 or AA-2 have been or may hereafter be assigned.

(3) "Class 2 orders" means purchase orders or contracts for softwood lumber to which preference ratings of AA-2X, AA-3, AA-4 or lower, but higher than A-1-a, have been or may hereafter be assigned (including the ratings assigned in List A attached to this order).

(4) "Class 3 orders" means purchase orders or contracts for softwood lumber to which preference ratings of A-1-a or lower but not lower than A-1-k have been or may hereafter be assigned (including the ratings assigned in List B attached to this order).

(5) "Class 4 orders" means purchase orders or contracts for softwood lumber to which preference ratings lower than A-1-k have been or may hereafter be assigned (including the ratings assigned in List C attached to this order).

3. Paragraph (a) is amended by adding at the end thereof the following new subparagraphs (6) and (7):

(6) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method, 25% or more of the total volume of logs and lumber purchased or received by it.

(7) "Box factory" means any person who manufactures from softwood lumber purchased by him, boxes, box shooks, or cut-to-size crating.

4. Subparagraph (1) of paragraph (b) is amended to read as follows:

(1) The following preference ratings are hereby assigned to deliveries of softwood lumber, subject to the restrictions of subparagraph (2) of this paragraph (b):

(i) AA-2X for the uses specified in List A attached to this order.

(ii) A-1-a for the uses specified in List B attached to this order.

(iii) A-2 for the uses specified in List C attached to this order.

Provided, however, That no preference rating is assigned by this order to any delivery of softwood lumber to which the person requiring the softwood lumber is entitled to apply or extend a preference rating which is assigned on any other preference rating order or certificate, or by specific order of the Director General for Operations.

5. Subparagraph (2) of paragraph (b) is amended to read as follows:

(2) The ratings assigned in subparagraph (1) of this paragraph (b) may be applied, by the person requiring delivery of softwood lumber for the uses specified, by endorsement of purchase orders in the manner prescribed by Priorities Regulation No. 3 and Priorities Regulation No. 12, and the ratings may be extended, by any person receiving such an endorsed purchase order, in the manner and to the extent permitted by those regulations.

6. Paragraph (c) is amended by adding at the end thereof the following proviso:

Provided, however, That orders bearing preference ratings of AAA shall be accepted and filled without regard to the provisions of this order, subject to the provisions of applicable priorities regulations.

7. Paragraph (e) is amended by adding a new subparagraph (4) as follows:

(4) The restrictions of this paragraph (e) shall not apply to producers or box factories.

8. Paragraph (f) is amended to read as follows:

(f) *Restrictions on use of softwood lumber.* (1) Notwithstanding the terms of any contract or purchase order, and notwithstanding the fact that such an order may bear a preference rating, no person shall, except as specifically authorized by the Director General for Operations on Form PD-423, use, or purchase, order or accept delivery of:

(i) Southern pine, Douglas fir or western larch sold as meeting specifications of 1800 or 2000 lbs. fiber stress per square inch, or 1300 or 1450 lbs. compression stress, except on Class 1 orders;

(ii) Southern pine, Douglas fir, cypress or western larch sold as meeting specifications of 1400 or 1600 lbs. fiber stress per square inch, or 1100 or 1200 lbs. compression stress, except on Class 1 or Class 2 orders;

(iii) Douglas fir, west coast hemlock, noble fir or Sitka spruce, of grades No. 1, No. 2, or any higher common grade, except on Class 1, Class 2 or Class 3 orders;

(iv) Southern pine of grades No. 1, No. 2 or any higher common grade, or of No. 1 box, or No. 2 box (not including D or better flooring, ceiling, drop siding or partition) except on Class 1, Class 2, or Class 3 orders;

(v) Idaho white pine, northern white pine, eastern white pine, Norway pine, ponderosa pine, sugar pine, lodgepole pine, jack pine, cypress, white fir, eastern hemlock, Engelmann spruce or western white spruce, of Grades No. 2 or No. 3 common, except on Class 1, Class 2 or Class 3 orders;

(vi) Eastern spruce of grades selected merchantable and Grade No. 1 (merchantable), except on Class 1, Class 2 or Class 3 orders.

(2) Notwithstanding the provisions of this paragraph (f), any person having softwood lumber in inventory on October 5, 1942, which he received without violating the restrictions of Conservation Order M-208, may use it without regard to the restrictions of this paragraph (f); softwood lumber in transit on October 5, 1942, shall, for the purposes of this paragraph only, be deemed to have been delivered prior to October 5, 1942.

(3) The restrictions of this paragraph (f) shall not apply to purchases, sales and deliveries between producers.

9. List A of Order M–208 is amended by substituting the following paragraph for the first paragraph thereof:

Subject to the restrictions of subparagraph (1) of paragraph (b) of this order, a rating of AA–2X is hereby assigned to purchase orders of softwood lumber for the following uses:

10. List B of Order M–208 is amended by substituting the following paragraph for the first paragraph thereof:

Subject to the restrictions of subparagraph (1) of paragraph (b) of this order, a rating of A–1–a is hereby assigned to purchase orders of softwood lumber for the following uses:

11. Item (2) (ii) of List B of Order M–208 is amended to read as follows:

(ii) Defense housing rated under Preference Rating Orders P–19–d, P–19–h, P–55, and P–55 amended, remodeling projects rated under Preference Rating Order P–110, and pre-fabricated housing.

12. List C of Order M–208 is amended by substituting the following paragraph for the first paragraph thereof:

Subject to the restrictions of subparagraph (1) of paragraph (b) of this order, a rating of A–2 is hereby assigned to purchase orders of softwood lumber for the following uses:

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9920; Filed, October 5, 1942; 11:34 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 33 to Revised Tire Rationing Regulations [1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.405 (e) (3) and 1315.504 (a) (4) are amended to read as follows:

Tires and Tubes for Vehicles Eligible Under List A.

§ 1315.405 *Eligibility classification: List A.* * * *

(e) * * *

(3) Transportation of the following, except when public transportation facilities are readily available: workers to or from any industrial, extractive, military, naval or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm; disabled members of the armed forces to or from any hospital where their disabilities are treated; or persons for the purpose of donating blood.

(i) * * *

(ii) Certificates shall be issued under this paragraph (e) (3) for busses used to transport the persons mentioned herein only if no public means of transportation are available or if those persons cannot practicably use such means of transportation.

* * * * *

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

§ 1315.504 *Eligibility classification: List B.* * * *

(a) * * *

(4) Transportation on official business of Federal, State, local or foreign government employees, or employees of the American Red Cross, engaged in the performance of government or organization functions essential to the public health, safety or war effort.

(i) Certificates may be granted under this paragraph (a) (4) to enable government employees to perform government functions essential to the public health, safety, or the war effort, including such officials as fire wardens, ordnance inspectors, mine inspectors, food and crop inspectors, and similar persons.

(ii) Certificates may be granted under this paragraph (a) (4) only to government or Red Cross employees who use their cars principally for their official functions, and only when such functions cannot, because of the absence of other transportation facilities, be performed without the use of such cars. Certificates may not be granted under this paragraph (a) (4) to make possible the transportation of government or Red Cross employees from their residences to their principal places of employment.

(iii) In addition to the foregoing limitations, certificates may not be granted except to make possible official travel in passenger automobiles when government or Red Cross automobiles are used or when travel in private automobiles entitles the applicant to compensation by the agency employing him for the use of his automobile on a mileage or similar basis.

(iv) Certificates may be issued under paragraph (a) (4) to enable accredited foreign diplomatic representatives, official non-diplomatic foreign missions, and foreign consular officials to perform Government functions essential to the war effort.

(v) Any government or Red Cross employee applying hereunder to equip a privately-owned passenger automobile must present to the Board a certificate from his superior stating that: (*a*) the applicant is a regularly employed and paid worker of the government or Red Cross; (*b*) the applicant is being compensated for the use of his car on a mileage or similar basis; (*c*) the person signing the certificate is familiar with the functions performed by the vehicle, such functions cannot be performed without the use of the vehicle, and the vehicle is used substantially all the time for eligible purposes; and (*d*) the applicant has his employer's permission to apply hereunder.

§ 1315.1199a *Effective dates of amendments.* * * *

(gg) Amendment No. 33 (§§ 1315.405 (e) (3) and 1315.504 (a) (4)) to Revised Tire Rationing Regulations shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong. OPM Supp. Order No. M–15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9841; Filed, October 2, 1942; 4:53 p. m.]

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

[Correction to Amendment 3 [1] to Revised Price Schedule 84]

RADIO RECEIVERS AND PHONOGRAPH PARTS

The definition of "manufacturer" contained in Amendment No. 3 to Revised Price Schedule No. 84 (§ 1336.109 (a) (2)) is corrected to read as follows:

"Manufacturer" means any person regularly engaged in the manufacture and sale of radio and phonograph parts, but does not include a factory branch or subsidiary performing the function of a distributor or wholesaler.

§ 1336.110a *Effective dates of amendments.* * * *

(d). Correction (§ 1336.109 (a) (2)) to Amendment No. 3 to Revised Price Schedule No. 84 shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9834; Filed, October 2, 1942; 4:51 p. m.]

PART 1340—FUEL

[Amendment 10 to Maximum Price Regulation 137 [2]]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.86(c); § 1340.90(a) 15 and 16; § 1340.91 (e) are added and § 1340.86(a) and (b) are amended to read as set forth below:

§ 1340.86 *Statement and posting of maximum prices of motor fuels sold at*

[1] 7 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5226, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3821.

[2] 7 F.R. 3165, 3749, 4273, 4780, 4853, 5363, 5868, 5941, 6057, 6896.

retail establishments. (a) Every person selling petroleum products at service stations subject to this Maximum Price Regulation No. 137 shall post the maximum price chargeable to purchasers of the class to whom he made the bulk of his sales for each grade of petroleum products in a manner plainly visible to and understandable by, each purchaser. Such postings shall be marked "maximum prices", "ceiling prices" or "our ceiling", beneath which shall be marked each grade of the petroleum product offered for sale and opposite each grade shall be stated the maximum price for that grade. Notwithstanding anything to the contrary contained in the General Maximum Price Regulation[2] or in § 1340.86 (c) of Maximum Price Regulation No. 137 every person whose maximum prices are increased pursuant to authorization by the Office of Price Administration shall indicate separately either for 60 days after such authorization or for so long as the increase remains effective, whichever period is shorter, the amount by which the maximum prices were increased, and the fact that such increase was authorized by the Office of Price Administration. In making this representation such person shall use the following language: "Amount of Increase—cents per gallon—Approved by the Office of Price Administration" or any other statement supplying the same information.

(b) On or before July 1, 1942, every person subject to this Maximum Price Regulation No. 137 shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each grade of motor fuel together with an appropriate description of its specifications. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for each grade of motor fuel newly offered for sale by him at a service station during the previous month together with an appropriate description of its specifications.

(c) (1) Any seller who takes advantage of § 1340.91 (e) and after October 4, 1942, increases the price charged for a particular grade of motor fuel above the level that he would otherwise be permitted to charge shall file with the appropriate War Price and Rationing Board of the Office of Price Administration within five days after making such adjustment, an affidavit setting forth the following with respect to such grade:

(i) The sellers' maximum price as determined by § 1340.91 (a), (b) and/or (c) and his delivered cost at the time the adjustment is made;

(ii) The exact extent of the margin enjoyed by him during the major portion of the period October 1–15, 1941;

(iii) The prices charged by him for the particular grade of motor fuel at that retail establishment during the major portion of the period October 1–15, 1941;

(iv) The delivered cost of the particular grade of motor fuel on which the margin enjoyed during the major portion of the period, October 1–15, 1941, was calculated.

(2) Any seller who makes an initial increase after October 4, 1942, in the price charged for a particular grade of motor fuel under § 1340.91 (e), and reports that increase under (1) above, may hereafter have a further adjustment in price, either by being required to lower the price or by raising the price upon being granted permission for an increase. In the case of either such adjustment the seller shall file with the appropriate War Price and Rationing Board of the Office of Price Administration, within five days after such adjustment is required or made, an affidavit setting forth his delivered cost at the time the adjustment in his selling price is made, and his new maximum price.

§ 1340.90 *Definitions.* (a) * * *

(15) "Margin" means the difference between the selling price of the particular grade of motor fuel at the retail establishment and the delivered cost thereof to the retail establishment.

(16) "Delivered cost" for the purpose of this amendment shall consist of one of the following:

(i) In the case of tank wagon buyers, the net price charged to such buyer.

(ii) In the case of tank car or transport truck buyers who buy on a delivered basis, (*a*) the net laid-down cost at the point of buyer's control storage, and (*b*) the actual cost of transportation from the buyer's point of central storage to the buyer's retail establishment.

(iii) In the case of tank car or transport truck buyers who buy f. o. b. a shipping point, (*a*) the net f. o. b. shipping point price, (*b*) the actual cost of transportation to the point of buyer's central storage, and (*c*) the actual cost of transportation from the point of buyer's central storage to the buyer's retail establishment.

§ 1340.91 Appendix A: *Maximum prices for petroleum products sold at retail.* * * *

(e) When the maximum price for any grade of motor fuel at a retail establishment as determined by paragraphs (a), (b), (c) and (d) permits the seller a margin for a particular grade of motor fuel below that enjoyed by the seller at that particular retail establishment during the major portion of the period, October 1–15, 1941, such seller's maximum price shall be increased to a level which will permit him a margin equal to that enjoyed during the major portion of the above period. In no event, however, shall the seller exceed the price received by him for such grade of motor fuel during the major portion of the period October 1–15, 1941, plus any increases in such price authorized by the Price Administrator under this Maximum Price Regulation No. 137 prior to October 5, 1942. The maximum price of a seller for a particular grade of motor fuel at the particular retail establishment shall be automatically adjustable as the seller's margin changes. For the purposes of this provision, the margin is deemed to change not at the time the delivered cost changes but only after the seller has sold an amount equal to that volume on hand at the time the change in the delivered cost occurs.

§ 1340.93a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1340.86 (a), (b) and (c); § 1340.90 (a); and § 1340.91 (e)) to Maximum Price Regulation No. 137 shall become effective 5th day of October 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9842; Filed, October 2, 1942; 4:53 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 233]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

In the judgment of the Price Administrator seasonal conditions and other factors affecting the sale of dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, by canners or packers, have resulted in the establishment under the General Maximum Price Regulation of maximum prices for such sales which are not generally fair and equitable as applied to the 1942 pack and which are not best calculated to assist in securing adequate production of such commodities. The Price Administrator has ascertained and given due consideration to the prices of dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as is practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established for the canners and packers of dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, by this regulation, are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to the producers of the raw agricultural commodities from which dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, are manufactured, prices for their commodities equal to the highest of any of the following prices there-

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4457, 4659, 6738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6938, 7093.

* Copies may be obtained from the Office of Price Administration.

for determined and published by the Secretary of Agricultural; (1) 110 per centum of the parity price for each such commodity, adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market prices prevailing for each such commodity on October 1, 1941; (3) the market prices prevailing for each such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919 to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[1] Maximum Price Regulation No. 233 is hereby issued.

Sec.

AUTHORITY: §§ 1341.401 to 1341.425, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.401 *Prohibition against dealing in dried apples, canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider above maximum prices.* (a) On and after October 5, 1942, regardless of any contract or other obligation no canner or packer shall sell or deliver any dried apples, canned apples, caned applesauce or canned or bottled apple juice or sweet apple cider, at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233.

(b) No person in the course of trade or business shall buy or receive any dried apples, canned apples, canned apple-canned apples, canned applesauce or sauce, or canned or bottled apple juice or packer at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233; and

(c) No canner, packer or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.402 *Computation of base prices.* (a) The base price for each kind, grade and container size of canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, shall be the total gross dollars charged for such item during the first 60 days after the beginning of the 1941 pack of such item, divided by the number of dozens sold during such period. All sales from the 1941 pack of such item during such period, made in the usual course of business, shall be included, except sales made to the United States for any agency thereof. Sales made prior to such period, but delivered within such period, shall not be included.

(b) The base price for each kind, grade and container size of dried apples shall be computed in the same manner as set forth in paragraph (a) of this section, except that the period used in such computation shall be the month of October 1941, instead of the first 60 days after the begining of the 1941 pack.

§ 1341.403 *Canner's maximum prices for canned apples and canned applesauce.* The canner's maximum price per dozen f. o. b. factory, for each kind, grade and container size of canned apples and canned applesauce packed after the 1941 pack shall be:

(a) The canner's base price for such kind, grade and container size; plus

(b) Eighteen and one-fourth percent of such base price.

§ 1341.404 *Canner's maximum prices for canned or bottled apple juice or sweet apple cider.* (a) The canner's maximum price per dozen f. o. b. factory for each grade of canned or bottled apple juice or sweet apple cider made from whole apples, in container sizes of less than one gallon, shall be:

(1) The base price for the same grade and container size, plus

(2) Ten percent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each dozen containers in the same proportion which the contents of such dozen containers bears to one gallon.

(b) The canner's maximum price per dozen f. o. b. factory for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of one gallon or more, shall be:

(1) The base price for the same grade and container size; plus

(2) Eight percent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each dozen containers in the same proportion which the contents of such dozen containers bears to one gallon.

§ 1341.405 *Maximum prices for kinds, grades and container sizes which cannot be computed under §§ 1341.403 and 1341.404.* (a) If the maximum price for any kind, grade and container size, except No. 10 cans of any canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, cannot be determined under §§ 1341.403 and 1341.404 of this Maximum Price Regulation No. 233, but if the canner has been able to determine his maximum price under said sections for the dominant kind, grade and container size of such product, the maximum prices of the remaining kinds, grades and container sizes of such product, except No. 10 container size, shall be those prices which bear the same proportionate relationship to the maximum price for the dominant kind, grade and container size as the price for each such kind, grade and container size bore to the price of the dominant kind, grade and container size in the canner's first price list applying to the 1941 pack.

(b) In determining maximum prices under paragraph (a) of this section, the dominant kind, grade and container size shall be the one of which the canner packed the most cases in 1941.

(c) If the canner is unable to determine the maximum price of one or more grades of such items in a No. 10 can, under §§ 1341.403 and 1341.404, but can so determine the maximum price for one or more other grades of the same product in a No. 10 can, the maximum prices for the grades not so determined shall be established in the manner provided in paragraph (a) of this section, using as the dominant grade the grade for which the price has been determined, or, if the price of more than one grade has been so determined, using as the dominant grade the one of those for which a maximum price has been so determined of which the canner packed the largest number in 1941.

§ 1341.406 *The packer's maximum price for dried apples.* (a) The packer's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for all states except California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price, cents per pound
U. S. grade A	Rings or quarters	21
U. S. grade B	Rings or quarters	21
U. S. grade C	Rings or quarters	19½

(b) The packer's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for the states of California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price, cents per pound
U. S. grade A	Rings or quarters	19¼
U. S. grade B	Rings or quarters	19
U. S. grade C	Rings or quarters	17

(c) Maximum prices for other kinds or grades of dried apples, such as chops and

[1] 7 F.R. 971, 3663, 6967.

screenings, and other container sizes, shall be computed as follows:

(1) Determine the base price during October 1941, for U. S. grade C dried apples and the base price during October 1941, for each other item for which a maximum price is to be computed.

(2) Compute the percentage relationship of the maximum price for U. S. grade C dried apples, as determined under paragraph (a) or (b) of this section, to the base price during October 1941, for U. S. grade C dried apples.

(3) For each item for which a maximum price is being computed, multiply the base price in October 1941, for the same item, by the same percentage as determined for U. S. grade C dried apples pursuant to paragraph (c) (2) of this section.

§ 1341.407 *Maximum prices of competitor.* If the maximum price of the canner or packer for any item for which maximum prices are established by this Maximum Price Regulation No. 233 cannot be computed under the foregoing sections of this Regulation, the canner's or packer's maximum price for such item shall be the maximum price of the most closely competitive canner or packer for the same item.

§ 1341.408 *Allowances for packing in glass containers.* (a) Any canner who packed the same item in both glass and tin during the 1941 pack may compute base prices and maximum prices separately for such item packed in tin and the same item packed in glass, pursuant to the foregoing sections.

(b) Any canner who packed an item in tin and not in glass during the 1941 pack and who packs the same product in glass during the 1942 pack, whether or not in the same container size, may compute his maximum price for the product packed in glass, as follows:

(1) If the contents of the glass container are the same by weight as the tin container, the canner shall (a) subtract from his maximum price for such item in the tin container the current net cost per dozen of the tin container; and (b) add to this figure the current net cost per dozen of the new container.

(2) If the contents of the glass container vary by weight from the contents of the tin container by no more than twenty percent, the canner shall (a) divide his maximum price for the item in a tin container by the number of ounces or other units packed therein; (b) multiply the figure so obtained by the number of the same units in the glass container; (c) subtract from this figure the current net cost per dozen of the tin container; and (d) add the current net cost per dozen of the glass container.

(3) The current net cost per dozen of a container means the delivered price paid by the canner, or the delivered price the canner would have to pay per dozen for such container, at the time of computing his maximum price hereunder, including the caps, if any, and shipping carton, less discounts allowed, or that would be allowed, to him.

§ 1341.409 *Authorization of maximum prices.* If the canner's or packer's maximum price cannot be determined under any of the foregoing sections of this Maximum Price Regulation No. 233, the maximum price shall be a price determined by the canner or packer after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a description in detail of the item for which a maximum price is sought; and (2) a statement of the facts which differentiate such item from the most similar item for which he has determined a maximum price, stating such most similar item and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the canner or packer shall report such maximum price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.410 *Maximum prices for a canner who has more than one factory.* The maximum price for each item for a canner who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories had the same f. o. b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the base price under § 1341.402 and computing the maximum price under § 1341.405, or, if that cannot be determined, by using the maximum price of the most closely competitive canner as the maximum price of the entire group. In applying for the specific authorization of a price under § 1341.408, the application may be made for a uniform price for all of the factories in such group.

§ 1341.411 *Maximum delivered prices.* Any canner who sold and delivered a particular brand of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, may add to the maximum price per dozen f. o. b. factory computed under the foregoing sections for each grade and container size of such brand, the freight charge he added to his f. o. b. factory price during the calendar year 1941, for such grade and container size of such brand in the same zone or area. The resulting price shall be the canner's maximum delivered price for such grade and container size of such brand for the zone or area in which the same freight charge was used in 1941.

§ 1341.412 *Adjustment of maximum prices for container changes for government sales.* In the event that any governmental purchasing agency requires any of the items covered by this Maximum Price Regulation No. 233 to be packed in containers other than those specified herein or other than the usual containers or cases for such items, such agency may make application to the Office of Price Administration for an order under this section fixing the amount, if any, which may be added to the maximum prices established hereunder. Such application shall be in writing and shall state the estimated increase in the cost of packing in such special container. Any order issued under this section permitting such an increase, will apply to all canners or packers required to pack in such special containers.

§ 1341.413 *Maintenance of customary discounts and allowances.* Each canner and packer shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1341.414 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 233 may be charged, demanded, paid or offered.

§ 1341.415 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a canner are sold or otherwise transferred on or after the effective date of this Maximum Price Regulation No. 233 and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1341.416 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 233 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.417 *Records and reports.* (a) Every packer who makes sales of dried apples after the effective date of this Maximum Price Regulation No. 233 shall preserve, for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis of computing maximum prices by relationship to other kinds, grades and sizes of dried apples and make and preserve for the same period, all records of the same kind as he has customarily kept, relating to the prices which he charged for dried apples sold after the effective date of this regulation.

(b) Every canner who makes sales of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, made from whole apples, packed after the 1941 pack, shall (1) preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 re-

mains in effect, all his existing records which were the basis for the computation of maximum prices under this Maximum Price Regulation No. 233 and (2) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for such products sold on and after the effective date of this regulation and (3) file with the Office of Price Administration, Washington, D. C., within ten days after determining his maximum price for each item, a statement certified under oath or affirmation showing his base price and his maximum price for each item, together with his customary cash discounts and customary quantity discounts to different classes of purchasers, and (4) in those cases in which the maximum price of any item was determined by the maximum price of the most closely competitive canner, showing the maximum price of such item and the name and address of the canner whose maximum price was so adopted and (5) in those cases in which a canner made sales and deliveries of a particular brand of any of such products packed by him in 1941 on an established uniform delivered price basis by zone or area, showing his maximum price per dozen f. o. b. factory for each such item, the freight charge which he added to his f. o. b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each such item packed after the 1941 pack, delivered in each zone or area, and (6) preserve for the same period a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any canner who claims that substantial injury would result to him from making such statement available to any other person, may file such copy of such statement with the appropriate field Office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this regulation.

§ 1341.418 *Information to purchasers from canners.* (a) Any canner selling any canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider made from whole apples, packed after the 1941 pack, to any wholesaler, retailer, or any other purchaser for resale, shall, before making such sale or on his invoice disclose in writing to such purchaser, for each item, his base price, his maximum price, and the amount of the difference between the base price and the maximum price, which amount shall be designated as the "permitted increase."

(b) Any such canner may disclose such information by stating it on his invoice on the first occasion that he sells any item to such purchaser; or he may prepare and supply to the purchaser one or more lists or statements containing such information, at or before the first sale to such purchaser. Any such statement may contain the required information for any number of items.

(c) For the purposes of this section:

(1) When a maximun price has been established for any item by the use of proportionate relationship, the base price for such item shall bear the same ratio to the maximum price as the base price of the item from which such maximum was determined bears to the maximum price of such tem.

(2) When a canner has established a maximum price by using the maximum price of his competitor for the same that item shall be the same as the base price of his competitor for the same item.

(3) When any canner makes application to determine a maximum price after specific authorization by the Office of Price Administration, such authorization, when given, will be accompanied by instructions as to the method for determining the price to be deemed the base price.

§ 1341.419 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 233, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1341.420 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 233 may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1341.421 *Sales for export.* The maximum price at which a person may export any of the products covered by this Maximum Price Regulation No. 233 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

§ 1341.422 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 233 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries by canners or packers of all products for which maximum prices are established by this regulation.

§ 1341.423 *Applicability.* The provisions of this Maximum Price Regulation No. 233 shall be applicable only in the United States and the District of Columbia.

§ 1341.424 *Definitions.* (a) When used in this Maximum Price Regulation No. 233 the term:

(1) "Persons" includes, an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Canner" means a person who processes and packs apples, applesauce, apple juice or sweet apple cider, made from whole apples, in containers of metal or glass, or who packs apple juice or sweet apple cider, made from whole apples, in wooden containers.

(3) "Packer" means a person who removes the major portion of moisture from apples by natural or artificial means or prepares them for shipping in dried form, but does not include a grower when he delivers dried apples to a packer.

(4) "Canned" means sealed or enclosed in containers of metal or glass, whether or not hermetically sealed, and also refers to apple juice or sweet apple cider in wood containers.

(5) "1941 pack" of any item affected by this regulation shall be that pack the major portion of which was processed from apples grown in the calendar year 1941.

(6) The "most closely competitive canner or packer" means the canner or packer who:

(i) Sells to the same class of buyers, (ii) produces the same or a similar quality range of the product in question, (iii) has in the past sold the same item at approximately the same prices as the canner or packer seeking to establish a maximum price, (iv) is located in the same or the nearest canning or packing area.

(7) "Item", when referring to any of the products affected by this Maximum Price Regulation No. 233 also refers to the kind, grade and container size of such product; it designates not only the product, but also the kind, grade and container size. For example, "any item" means any kind, grade and container size of any of such products.

(8) "Kind" refers to the style of pack as well as to the product.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.425 *Effective date.* This Maximum Price Regulation No. 233 (§§ 1341.401 to 1341.425 inclusive) shall become effective October 5, 1942.

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9838; Filed, October 2, 1942; 4:56 p. m.]

[2] 7 F.R. 5059, 7242.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 2 to Maximum Price Regulation 148 [1]]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1364.22 (b) (2) is re-designated § 1364.22 (b) (2) (i), and §§ 1364.22 (b) (2) (ii) and 1364.35 (b) are added as follows:

§ 1364.22 *Maximum prices for dressed hogs and wholesale pork cuts.* * * *

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3821, 4342.

(b) * * *
(2) * * *

(ii) To the foregoing maximum prices for canned pork products, except canned luncheon meats and canned or packaged spiced ham, amounts not in excess of the following may be added wherever, at the request of the purchaser, the products are packed in the specified export containers: nail wooden boxes, specifications FSC 1539–C, Type C—$.50 per cwt.; wirebound boxes, specifications FSC 1539–C, Type B, except that in Type B–O, Groups 2, 3, and 4 shall be 1/8 inch, Type B–1 and Type B–2, Groups 2 and 3 shall be 3/16 inch, Group 4 shall be 1/8 inch, boxes to be closed by twisting together or otherwise joining securely the ends of each binding wire—$.10 per cwt.; weatherproof solid fibre boxes overcased in wirebound wooden boxes, specifications FSC 1539–C, Types A and B, straps may be eliminated from fibre boxes—$.50 per cwt.

* * * * *

§ 1364.35 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1364.22 (b) (2) (i), 1364.22 (b) (2) (ii), and 1364.35 (b)) to Maximum Price Regulation No. 169 shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9843; Filed, October 2, 1942; 4:53 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 23 to Maximum Price Regulation 136, as Amended [1]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (17) is added to § 1390.25 (c) and new paragraph (w) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(17) *Teesdale Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any automatic pump or automatic force pump manufactured by the Teesdale Manufacturing Company, Grand Rapids, Michigan, shall be determined pursuant to the provisions of § 1390.5, except that the date February 1, 1942 shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

§ 1390.31a *Effective dates of amendments.* * * *

(w) Amendment No. 23 (§ 1390.25 (c) (17)) to Maximum Price Regulation No. 136, as amended, shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9840; Filed, October 2, 1942; 4:54 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 24 to Maximum Price Regulation 136, as Amended [1]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.33 is amended by the addition of a new item to be inserted in alphabetical order in paragraph (c) as set forth below:

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942 date is applicable.* * * *

(c) Miscellaneous:

* * * * *

Siren blowers.

§ 1390.31a *Effective dates of amendments.* * * *

(x) This Amendment No. 24 (§ 1390.33 (c)) shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9839; Filed, October 2, 1942; 4:53 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 13 to Ration Order 5A [2]]

GASOLINE RATIONING REGULATIONS

A new § 1394.1407 is added; and a new paragraph (n) is added to § 1394.1902; as set forth below:

Expiration and Revocation of Rations.

* * * * *

§ 1394.1407–*Authority of Regional Administrators, State Directors and District Managers to suspend and revoke rations and require the surrender of coupon books and coupons.* (a) The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, gasoline coupon book, or any bulk, inventory, or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon book or coupon in any case in which the Regional Administrator, State Director or District Manager, as the case may be, finds either:

(1) That a ration holder was not entitled to receive the ration issued; or

(2) That a ration holder has violated any provision of Ration Order No. 5A; or

(3) That a person has transferred, assigned, received or accepted, or has in his possession any gasoline coupon book or coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) otherwise than in accordance with the provisions of Ration Order No. 5A.

(b) (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than 3 days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any person against whom an order is issued pursuant to the provisions of this section on the ground that the ration holder to whom a ration was issued was

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744.

[2] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399, 7748, 7811.

not entitled to such ration may appeal to the Regional Administrator from an order of a District Manager or from an order of a State Director, and to the Deputy Administrator in charge of Rationing from an order or decision on appeal of the Regional Administrator. In making any such appeal the appealing party shall file with the official who issued the order appealed from a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appealing party to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appealing party, in writing, of his decision.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits, or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

* * * * *

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(n) Amendment No. 13 (§ 1394.1407) to Ration Order No. 5A shall become effective October 2, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1 H, 7 F.R. 562, 3478, 3877, 5216.)

Issued this 2nd day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9833; Filed, October 2, 1942; 4:49 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 5 to Ration Order 5B[1]]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed in the Division of the Federal Register.*

A new paragraph (d) is added to § 1394.2601; a new paragraph (d) is added to § 1394.2756; a new paragraph (f) is added to § 1394.2851; a new paragraph (e) is added to § 1394.2913; and a new paragraph (e) is added to § 1394.3052.

Gallonage Value of Coupons

§ 1394.2601 *Value of coupons.* * * *

(d) Notwithstanding the provisions of paragraphs (a), (b), (c), or (d) of this section, each gasoline ration coupon of the class herewith designated shall have the following value in gallons of gasoline on and after 8:00 a. m. September 14, 1942:

Class A	½
B	2
C	1
D	½
E	1½
R	5
S-1	1
S-2	1
Gallon Bulk	⅓
100 Gallon Bulk	33⅓

General Provisions With Respect to Issuance of Gasoline Rations

* * * * *

§ 1394.2756 *Authorization of bulk purchase.* * * *

(d) No bulk transfer of gasoline shall be made to a consumer by any person subsequent to September 12, 1942, unless prior written authorization has been granted by the Territorial Rationing Administrator of the Office of Price Administration.

Restriction on Transfers

* * * * *

§ 1394.2851 *Restriction on transfer to consumers.* * * *

(f) No dealer shall transfer gasoline to a consumer on September 14, 1942, except pursuant to a written order of a Board or the Territorial Rationing Administrator.

Replenishment and Audit

* * * * *

§ 1394.2913 *Exchange of coupons for certificates.* * * *

(e) Every dealer and intermediate distributor, between the hours of 8:00 a. m. and 12:00 noon, September 14, 1942, shall surrender to his Local War Price and Rationing Board all valid coupons of each class or classes held by such dealer or intermediate distributor for exchange certificates having an equal gallonage value computed as of September 12, 1942.

Effective Date

§ 1394.3052. *Effective date of amendments.* * * *

(e) Amendment No. 5 to Ration Order No. 5B (§§ 1394.2601 (d), 1394.2756 (d), 1394.2851 (f), and 1394.2913 (e)) shall become effective at 8:00 a. m. September 14, 1942.

(Pub. Law 617, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Dir. No. 1, Supp. Dir. No. 1 J, 7 F. R. 562, 5043.)

Issued this 2d day of October, 1942.

JAMES P. DAVIS,
Acting Director, Office of Price Administration for Puerto Rico.

[F. R. Doc. 42-9837; Filed, October 2, 1942; 4:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 82 Under § 1499.3 (b) of General Maximum Price Regulation]

DUQUESNE SMELTING CORPORATION

The Duquesne Smelting Corporation, 50 Thirty-third Street, Pittsburgh, Pennsylvania, has made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of a proposed maximum price for certain zinc die cast notched bars. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has bene filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *it is ordered:*

§ 1499.296 *Approval of maximum price for sales of certain zinc die cast notched bars by Duquesne Smelting Corporation.* (a) On sales and deliveries made on and after August 20, 1942, Duquesne Smelting Corporation, 50 Thirty-third Street, Pittsburgh, Pennsylvania, may sell and deliver and agree, offer, solicit, and attempt to sell and deliver zinc die cast notched bars containing approximately 5% aluminum, a small percentage each of copper, tin, lead, iron, and the remainder zinc at a price not higher than 6.8 cents per pound f. o. b. point of shipment.

(b) As used in this Order No. 82, "point of shipment" means the point at which any commodity covered by this Order No. 82 is loaded on a conveyance for transportation directly to the buyer's receiving point. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) This Order No. 82 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 82 (§ 1499.296) shall become effective as of October 3, 1942.

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9845; Filed, October 2, 1942; 4:55 p. m.]

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[1] 7 F.R. 5607, 6389, 6390, 6871, 7400.

* Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 83 Under § 1499.3 (b) of General Maximum Price Regulation]

BELDING HEMINWAY CO.

Belding Heminway Company of New York, New York, made application for an authorization to determine a maximum price for its new "Belcort" thread. Due consideration has been given to the application, and it appears that the new sewing thread cannot be priced by the seller under § 1400.2 of the General Maximum Price Regulation. For the reasons set forth in the opinion in support of this order, which has been issued simultaneously herewith and has been filed with the Division of the Federal Register,* and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 and § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, it is hereby ordered:

§ 1499.297 *Approval of maximum prices for sales of sewing thread by Belding Heminway Company.* (a) On and after October 3, 1942 Belding Heminway may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the kinds and grades of sewing thread set forth in subparagraphs (1) and (2) at prices not in excess of those stated therein.

(1) Belcort machine twist and sewing thread made from cotton yarn may be sold at a price not in excess of $3.17 per unit for black threads of all sizes and $3.72 per unit for white and colored threads of all sizes.

(2) Belcort waxon sewing thread made from cotton yarn may be sold at a price not in excess of $5.09 per unit for black threads of all sizes and $5.94 per unit for white and colored threads of all sizes.

(b) The maximum selling price set forth in paragraph (a) (1) and (a) (2) shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 83 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 83 (§ 1499.297) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9832; Filed, October 2, 1942; 4:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 53 Under § 1499.18 (b) of General Maximum Price Regulation]

PARAFFIN WAX

For the reasons set forth in an opinion * issued simultaneously herewith, *It is ordered:*

§ 1499.853 *Adjustment of maximum prices for sales of household size cakes of paraffin wax by certain dealers therein.* (a) The following companies may sell and deliver, and any person may buy and receive from the following companies, household size cakes of paraffin wax at prices not in excess of 12½¢ per pound:

(1) Intercity Grocery Company, Peru, Illinois.

(2) Lehigh Wholesale Grocery Company, Inc., Allentown, Pennsylvania.

(3) Bayer-Gillam Company, Cleveland, Ohio.

(4) Scott-Mayer Commission, Little Rock, Arkansas.

(b) All discounts, allowances, and trade practices in effect with respect to the above listed commodity during March 1942 by the seller shall remain in effect under this order.

(c) All applicants shall mail or cause to be mailed to all persons who purchase household size cakes of paraffin wax from such applicant at the price established pursuant to this order No. 53 (§ 1499.853) for sale at retail, a notice reading as follows:

The Office of Price Administration, by Order No. 53 (§ 1499.853), effective October 3, 1942, pursuant to section 18 (b) of the General Maximum Price Regulation, has permitted [insert applicant's name] to raise its maximum price for sales to you of household size cakes of paraffin wax, subject to all discounts, allowances and trade practices in effect during March 1942 with respect to sales of household size cakes of paraffin wax by it.

The permission contained in Order No. 53 (§ 1499.853) was granted by the Office of Price Administration upon the basis of a showing that the maximum prices for sales of this commodity established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the price as set forth above.

Order No. 53 (§ 1499.853) does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of this commodity. However, if you are in a position different from that of retailers generally, so that the price charged you by us pursuant to such order imposes a substantial hardship upon you, and if your maximum prices for sales of this commodity are abnormally low in relation to the maximum prices established for sales of this commodity by other competitive sellers at retail, you may communicate with the nearest District, State, Field, or Regional Office of the Office of Price Administration setting forth the facts of your situation.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 53 (§ 1499.853) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 53 (§ 1499.853) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9831; Filed, October 2, 1942; 4:51 p. m.]

* Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 58 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF-284]

JOHNSON & JOHNSON NEW BRUNSWICK, NEW JERSEY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.908 *Adjustment of maximum prices for private label surgical dressings sold by Johnson & Johnson to Montgomery Ward.* (a) Johnson & Johnson may sell and deliver, and Montgomery Ward may buy and receive from that concern, the following surgical dressings under said purchaser's private label at the following maximum prices:

2 x 5 ZO adhesive	2.47 doz.
½ x 5 WW adhesive	.65 doz.
1 x 5 W W adhesive	1.25 doz.
2 x 5 WW adhesive	2.47 doz.
2" bandage	.88 doz.
1 yd. gauze	.99 doz.
5 yd. gauze	.33 each
2 oz. cotton	1.24 doz.
4 oz. cotton	2.13 doz.
Paramount cotton	.31 lb.
Red Cross cotton, 16 oz.	.55 lb.
Middlesex cotton, 16 oz. (handy roll)	.35 lb.

(b) All discounts, trade and freight practices upon the sale by Johnson & Johnson of the products referred to in paragraph (a) above, through March, 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) On or before January 1, 1942, and every six months thereafter Johnson & Johnson shall submit to the Office of Price Administration in Washington, D. C. a report containing a complete breakdown of cost data with respect to the production and sale of the above products during the six months preceding the filing of such report.

(d) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 58 (§ 1499.908) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 58 (§ 1499.908) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9844; Filed, October 2, 1942; 4:54 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 59 Under § 1499.18 (c) of General Maximum Price Regulation]

LONG-LEWIS HARDWARE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.909 *Adjustment of maximum prices for sales of plow parts by Long-Lewis Hardward Company of Birmingham, Alabama.* (a) Long-Lewis Hardware Company of Birmingham, Alabama, is hereby authorized to sell and offer, agree, solicit and attempt to sell any King chilled plow or plow part at the manufacturer's suggested list price, f. o. b. factory, in effect on March 31, 1942, subject to 35% discount to dealers: *Provided*, That the Long-Lewis Hardware Company, at the time of notifying its dealers of the change in price, shall notify them that the increase in its price does not entitle them to raise their prices above the maximum prices provided in Maximum Price Regulation No. 133, Retail Prices for Farm Equipment.

(b) The terms used in this order shall have the meaning given to them by the General Maximum Price Regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 59 (§ 1499.909) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 59 (§ 1499.909) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9836; Filed, October 2, 1942; 4:56 p. m.]

PART 1305—ADMINISTRATION

[Amendment 1 to Revised Administrative Order 1[1]]

ORDER DEFINING AND DELIMITING CERTAIN FUNCTIONS AND POWERS OF OFFICERS AND EMPLOYEES

Paragraphs (a) and (c) of § 1305.2 are amended to read as set forth below:

§ 1305.2 *Order defining and delimiting certain of the functions and powers of officers and employees*—(a) *Institution of civil proceedings.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Asscciate General Counsel, the Assistant General Counsel in charge of the Enforcement Division or the Acting Assistant General Counsel in charge of the Enforcement Division, all Regional Attorneys or Acting Regional Attorneys and all Regional Enforcement Attorneys or Acting Regional Enforcement Attorneys are authorized to institute, in the name of the Administrator, appropriate civil actions or proceedings; and any of them may authorize any other attorney employed by the Office of Price Administration to institute any designated civil action or proceeding. Except as herein provided, no other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, has authority to institute proceedings on behalf of the Administrator.

* * * * *

(c) *Appearance for the Administrator.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Court Review, Research, and Opinion Division or the Acting Assistant General Counsel in charge of the Court Review, Research, and Opinion Division are each authorized to appear for and represent the Administrator or the Office of Price Administration in any action or proceeding instituted against the Administrator or the Office of Price Administration in the Emergency Court of Appeals; and any of them may specifically authorize any attorney employed by the Office of Price Administration to appear for and represent the Administrator or the Office of Price Administration in any such action or proceeding. The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Division or the Acting Assistant General Counsel in charge of the Enforcement Division are each authorized to appear for and represent the Administrator or the Office of Price Administration in any other action or proceeding; and any of them may specifically authorize any attorney employed by the Office of Price Administration to appear for and represent the Administrator or the Office of Price Administration in any other action or proceeding.

(d) *Effective date.* * * *

(1) This Amendment No. 1 (§ 1305.2 (a), (c)) to Revised Administrative Order No. 1 shall become effective this 2d day of October, 1942.

(Pub. Law 421, 77th Cong., WPB Dir. 1 7 F.R. 562, Supp. Dir. No. 1A, 7 F.R. 698, 2229, 2729; Supp. Dir. 1B, 7 F.R. 925, 1493; Supp. Dir. 1C, 7 F.R. 1669; Supp. Dir. 1D, 7 F.R. 1792; E.O. 9125, 7 F.R. 2719; Supp. Dir. 1E, 7 F.R. 2965; Supp. Dir. 1F, 7 F.R. 3362; Supp. Dir. 1H, 7 F.R. 3478, 3877, 5216, 6211; Supp. Dir. 1G, 7 F.R. 3546; Supp. Dir. 1J, 7 F.R. 5043; Supp. Dir. 1L, 7 F.R. 7200, 7281; Supp. Dir. 1M,

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9835; Filed, October 2, 1942; 4:51 p. m.]

PART 1412—SOLVENTS

[Amendment 2 to Maximum Price Regulation 36[2]]

ACETONE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.66 (a) (1) is amended to read as set forth below:

§ 1412.66 *Maximum prices for acetone*—(a) *Sales in containers of 50 gallons or more of fermentation acetone.* Maximum prices for sales in containers of 50 gallons or more of fermentation acetone are established as set forth below:

(1) *Eastern territory:*

	Fermentation acetone, per pound delivered
Tank cars	$0.070
Drums, carload lots	.085
Drums, l. c. l. lots	.090

§ 1412.65 *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1412.66 (a) (1)) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9870; Filed, October 3, 1942; 12:01 p. m.]

PART 1412—SOLVENTS

[Amendment 2 to Maximum Price Regulation 37[1]]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.116 (a) (1) is amended to read as set forth below:

§ 1412.116 *Appendix A: Maximum prices for butyl alcohol and esters thereof*—(a) *Sales in containers of 50 gallons or more of normal fermentation butyl alcohol and normal fermentation butyl acetate.* Maximum prices for sales in containers of 50 gallons or more of normal fermentation butyl alcohol or normal fermentation butyl acetate are established as set forth below:

(1) *Eastern territory.*

	Per pound delivered—	
	Normal fermentation butyl alcohol	Normal fermentation butyl acetate
Tank cars	$0.1425	$0.1475
Drums, carload lots	.1525	.1575
Drums, l. c. l. lots	.1575	.1625

§ 1412.115 *Effective dates of amendments.* * * *

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4852.

[2] 7 F.R. 6655, 7001.

[1] 7 F.R. 6657, 7001.

(c) Amendment No. 2 (§ 1412.116 (a) (1)) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9871; Filed, October 3, 1942; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 54 under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-9]

PRECISION OPTICAL CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.854 *Adjustment of maximum prices for sales by Precision Optical Co. of custom-made Toric Lenses and Toric Kryptok Bifocals.* (a) Precision Optical Co., No. 437 Wood Street, Pittsburgh, Pennsylvania, may sell and deliver, and any person may buy from Precision Optical Co., Toric Lenses and Toric Kryptok Bifocals that are compounded from an eye specialist's prescription at wholesale prices no higher than those set forth in Precision Optical Company's published price lists which became effective on April 27, 1942, subject to discounts, allowances, and terms no less favorable than those customarily granted by it.

(b) No person purchasing custom-made Toric Lenses or Toric Kryptok Bifocals from Precision Optical Co. is permitted by this Order No. 54 to sell such lenses at a higher price than his maximum price as established by the General Maximum Price Regulation.

(c) The adjustment granted to Precision Optical Co. in paragraph (a) is subject to the condition that Precision Optical Co. shall advise in writing each person purchasing custom-made Toric lenses or Toric Kryptok Bifocals from it of the adjustment of maximum prices permitted by this Order No. 54. Such notification shall be made at or before the first delivery of such lenses after the effective date of this Order No. 54, shall be accompanied by a copy of Precision Optical Company's published price lists which became effective on April 27, 1942, and shall contain the following statement:

> The prices contained in the attached price lists are our maximum prices as established by an adjustment granted by the Office of Price Administration. This adjustment was permitted because our March 1942 prices were abnormally low in relation to the prices charged by our competitors due to our price reduction in October, 1941. A survey of retailers' prices showed that there had been no corresponding reduction in retailers' prices. For that reason the Office of Price Administration has not permitted you to raise your present ceiling prices.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 54 (§ 1499.854) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 54 (§ 1499.854) shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9872; Filed, October 3, 1942; 12:02 p. m.]

PART 1330—CONTAINERS

[Amendment 2 to Maximum Price Regulation 151[1]]

NEW BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A proviso is added to paragraph (a) of § 1330.162; in subparagraph (6) of § 1330.174 (a), subdivision (i) (b) is amended and a new subdivision (iii) is added; subparagraph (10) is added to § 1330.174 (a); and § 1330.175 is amended by revoking footnote 1 thereof and by adding new items thereto, to read as set forth below:

§ 1330.162 *Maximum prices for new bags.* (a) * * * *Provided,* That the provisions of this Maximum Price Regulation No. 151 shall not apply to sales or deliveries of new bags containing a commodity packaged therein.

* * * * *

§ 1330.174 *Definitions.* (a) When used in this Maximum Price Regulation No. 151, the term: * * *

(6) "Replacement cost" means:

(i) In the case of new bags manufactured from any construction of burlap textile material included in Table I of § 1330.175, Appendix A, of this Maximum Price Regulation No. 151, the sum of the following: * * *

(b) War risk insurance in excess of 2½ per cent based on an insured valuation not in excess of the price referred to in (a) above and computed by the use of a war risk insurance premium rate not in excess of the applicable rate offered by the War Shipping Administration on the date on which the contract of sale of the new bags is entered into. For the purpose of this Maximum Price Regulation No. 151, the rate offered by the War Shipping Administration shall include, in addition to the basic rate, the premium rate for extended transhipment coverage; and

* * * * *

(iii) In the case of new bags manufactured from any construction of burlap textile material not specifically enumerated in Table I of § 1330.175, Appendix A, of this Maximum Price Regulation No. 151, the net price paid for such burlap textile material by the bag manufacturer, not to exceed the maximum price of the person supplying such burlap textile material to such bag manufacturer determined pursuant to the applicable revised price schedule or maximum price regulation issued by the Office of Price Administration: *Provided,* That replacement cost in the case of new bags manufactured from any such burlap textile material by the person importing such material shall be the maximum price, determined pursuant to the provisions of the applicable price schedule or price regulation issued by the Office of Price Administration, at which such person would be entitled to sell such material f. o. b. port of entry.

* * * * *

(10) "Burlap textile material" means new jute cloth weighing not less than 5 ounces and not more than 16 ounces per yard of cloth 40 inches wide.

§ 1330.175 *Appendix A: Price Table.*

TABLE I—PRICES FOR BURLAP TEXTILE MATERIAL

Quality of burlap	Construction		Replacement price (cents per yard)
	Width (inches)	Weight (ounces per yard)	
Common burlap	*	*	*
	38	5	5.75
	57	5	8.55
	58	5	8.70
	48	9	11.60
	30	10	8.35
	72	10	20.90
	45	12	14.50
	48	12	15.45
	60	12	19.55
	72	12	23.50
	48	14	18.55
	48	16	22.00
SPECIAL FINISHES			
Double calendered	*	*	*
	40	11	12.60
	45	11	14.20
	57	11	17.95
	40	14	15.65
	44	15	17.00
Crop and mangled	*	*	*
	40	11	12.85
	36	12	13.00
	40	12	13.80
	45	12	15.40
	44	15	17.30

§ 1330.177 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1330.162 (a), 1330.174 (a) (6) and (10) and 1330.175) to Maximum Price Regulation No. 151 shall become effective October 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9883; Filed, October 3, 1942; 12:46 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3893, 4667.

PART 1372—SEASONAL COMMODITIES

[Amendment 8 to Maximum Price Regulation 210 [1]]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1372.102 (b) (3) is amended to read as follows:

§ 1372.102 *Maximum prices for fall and winter seasonal commodities.* * * *

(b) *Meaning of terms.* * * *

(3) *How a seller calculates his "initial percentage mark-up."* Three different rules are given for this calculation. With the exception stated in the last sentence of this paragraph every seller is required to use Rule 1 if he has or can obtain invoices or other records and information showing the purchases and sales of the same commodity as the one being priced which he made during the last six months of 1941. If the seller dealt in the same commodity during that period but does not have the information needed for Rule 1, he should use Rule 2. In the use of Rule 2, commodities shall not be shifted from one department to another if the result of the shift is to obtain a higher percentage mark-up. If the seller did not deal in the same commodity during the last six months of 1941, he should use Rule 3. A seller who could use Rule 1 may choose to use Rule 2 if the following three conditions are met: (i) his records satisfactorily show the *average* of "the initial percentage mark-ups" which he took during the last six months of 1941 on all commodities sold in the department in which he sells the commodity being priced; (ii) Rule 2 is used in pricing all fall and winter seasonal commodities to be sold in this department; and (iii) the commodity was not sold during the last six months of 1941 in another department which had an average "initial percentage mark-up" lower than that of the department where the commodity is now to be sold.

§ 1372.111a *Effective dates of amendments.* * * *

(c) * * *

This Amendment No. 3 (§ 1372.102 (b) (3)) to Maximum Price Regulation No. 210, shall become effective the 9th day of October 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9885; Filed, October 3, 1942; 12:46 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6789, 7318, 7173.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2 to Maximum Rent Regulation 27]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first sentence of § 1388.1757 of Maximum Rent Regulation No. 27 is amended to read as follows:

§ 1388.1757 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation (or, as to housing accommodations within that portion of the Parsons Defense-Rental Area consisting of the County of Montgomery, in the State of Kansas, on or before October 15, 1942), or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. * * *

§ 1388.1764a Effective dates of amendments. * * *

(b) Amendment No. 2 (§ 1388.1757) to Maximum Rent Regulation No. 27 shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9880; Filed, October 3, 1942; 12:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment [illegible] to Maximum Rent Regulation 31A]

HOTELS AND ROOMING HOUSES

Section 1388.1957(a) of Maximum Rent Regulation No. 31A is amended to read as follows:

§ 1388.1957 *Registration.* (a) On or before August 31, 1942 (or, as to rooms within that portion of the Parsons Defense-Rental Area consisting of the County of Montgomery, in the State of Kansas, on or before October 15, 1942), every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. * * *

§ 1388.1964a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.1957 (a)) to Maximum Rent Regulation No. 31A shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9881; Filed, October 3, 1942; 12:45 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 25 to Maximum Price Regulation 136, as Amended [2]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1390.2 paragraph (f) is amended and new subparagraph (5) is added to paragraph (i); in § 1390.10 paragraphs (c) and (e) are amended; in § 1390.18 paragraph (a) is amended; in § 1390.32 the titles of paragraphs (a), (d), and (i) are amended; new items are added to paragraphs (c) and (d), and an item in paragraph (e) is amended; in § 1399.33 paragraph (a) is amended and new paragraph (d) is added; in § 1399.34 new items are added; and new paragraph (y) is added to § 1390.31a, all as set forth below:

§ 1390.2 *Exclusions.* * * *

(f) Any sale or delivery at retail of a machine or part by a person other than the manufacturer thereof. For the purpose of this exclusion, a sale or delivery is deemed to be "at retail" (1) when made to an ultimate consumer, other than an industrial, commercial, or governmental user, or (2) when made (i) from a store, shop or mail-order house where sales are predominantly made to such ultimate consumers, (ii) at a price ordinarily charged such ultimate consumers (iii) to a purchaser of a class to whom sales were regularly made on or prior to October 1, 1941, at the prices ordinarily charged such ultimate consumers. * * *

(i) Any machinery service performed in connection with the following: * * *

(5) The maintenance, repair or rebuilding of automotive parts, subassemblies or accessories.

* * * * *

§ 1390.10 *Maximum prices; sales by sellers other than the manufacturer.* * * *

(c) *Machines and parts without list prices.* (1) If for any machine or part a seller other than the manufacturer thereof had no published or confidential list price in effect on October 1, 1941, the maximum price to any purchaser for such machine or part shall be the net price determined by applying a margin determined pursuant to subparagraph (2) of this paragraph to:

(i) The seller's net invoiced cost, if available, not to exceed the applicable maximum price, or

(ii) If actual cost is not available, net invoiced cost as estimated by the seller's supplier: *Provided,* That the seller has

[2] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602.

no reason to believe that the price so estimated exceeds the applicable maximum price.

(2) The margin to be applied in the circumstances referred to in subparagraph (1) shall be the first of the following which is available:

(i) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for the same machines or parts sold to purchasers of the same class;

(ii) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for all machines and parts of the same class sold to purchasers of the same class;

(iii) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for the same machines or parts sold to purchasers of a different class or, if none were sold, for machines and parts of the same class sold to purchasers of a different class, adjusted to afford the same percentage differential in price between purchasers of such different classes as was customarily made by the seller on or about October 1, 1941, for purchasers of such different classes.

* * * * *

(e) *Machines and parts completely subcontracted.* If a manufacturer of a machine or part also subcontracts to another the manufacture of the same machine or part which he resells in the form in which it is received from the subcontractor the maximum price for the prime contractor shall be determined as follows:

(1) If for any such machine or part the prime contractor had a published or confidential list price in effect on October 1, 1941, the maximum price shall be determined in accordance with § 1390.5; or

(2) If the prime contractor had no such list price, the maximum price shall be determined in accordance with the applicable provisions of subparagraphs (1) and (2) of paragraph (d).

§ 1390.18 *Contract prices, renegotiations, price-adjustment agreements, and price increases*—(a) *Existing contracts.* Notwithstanding the provisions of § 1390.3, any person may until September 1, 1942, deliver, perform, or receive, or make or receive payment for, any machine or part or machinery service pursuant to a contract entered into prior to July 22, 1942, at the price provided in such contract: *Provided*, That on or before September 1, 1942, the contract price shall be revised so as not to exceed the maximum price computed in accordance with the provisions of this Maximum Price Regulation No. 136, as amended, and that refunds or other allowances in accordance with such recomputation are made as to deliveries made or services performed on or after July 22, 1942. In computing the maximum price for purposes of this section, no upward adjustment shall be made, and no downward adjustment need be made, for changes in the clock hours of labor or in the quantities of materials required or estimated to be required, which have occurred since the date of entering into the contract or since the date of the last change in the contract price.

§ 1390.32 *Appendix A: Machines and parts to which the October 1, 1941, date is applicable.*

(a) *Prime movers, etc.:* * * *

(c) *Processing machinery and equipment:*

Cement-making machinery.

(d) *Construction and mining machinery, etc.:*

Coal preparation equipment.

Pile drivers.

(e) *Electrical equipment:*

Electric motors and generators (except automotive)

* * * * *

(i) *Miscellaneous parts and subassemblies, etc.:* * * *

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942, date is applicable.* (a) Any part or subassembly of any item mentioned in § 1390.32, Appendix A, except that when the manufacturer also manufactures one or more complete items mentioned in Appendix A and the part or subassembly in question is also in some cases used as a component of such complete item, then the part or subassembly is not included within this Section but is included within Appendix A. This paragraph does not include any part or subassembly which is itself covered in Appendix A or which is mentioned in § 1390.34, Appendix C.

* * * * *

(d) Any part or subassembly of any item mentioned in this section, excluding any part or subassembly which is itself covered in § 1390.32, Appendix A or which is mentioned in § 1390.34, Appendix C.

§ 1390.34 *Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136:*

Diamond dies smaller than .002 inch in diameter.

Instrument jewel bearings.

§ 1390.31a *Effective dates of amendments.* * * *

(y) This Amendment No. 25 (§§ 1390.2 (f) and (i) (5), 1390.10 (c) and (e), 1390.18 (a), 1390.32 (a) (c) (d) (e) and (i), 1390.33 (a) and (d), and 1390.34) shall become effective October 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9884; Filed, October 3, 1942; 12:45 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 28 to Maximum Price Regulation 136,[1] as Amended]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.31 is amended as set forth below:

§ 1390.31 *Effective date.* This Maximum Price Regulation No. 136, as amended, (§§ 1390.1 to 1390.34 inclusive) shall become effective July 22, 1942, except that this Maximum Price Regulation No. 136, as amended, shall not apply to sales or deliveries of electric storage batteries until October 15, 1942.

§ 1390.31a *Effective dates of amendments.* * * *

(bb) Amendment No. 28 (§ 1390.31) to Maximum Price Regulation No. 136, as amended, shall become effective October 1, 1942.

(Pub. Law 471, 77th Cong.)

Issued this 3d day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9886; Filed October 3, 1942; 12:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 29 to the General Maximum Price Regulation[2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.23a (u) is amended as set forth below:

§ 1499.23a *Effective dates of amendments.* * * *

(u) Amendment No. 21 (§§ 1499.9 (a) (3) and 1499.20 (p)) to this General Maximum Price Regulation shall become effective August 7, 1942, except that the effective date of this amendment with respect to fluid milk and fluid cream sold at wholesale in the Washington market area as defined in Federal Milk Marketing Order No. 43, as amended, issued by the Secretary of Agriculture August 29, 1941, shall be November 2, 1942.

* * * * *

(dd) Amendment No. 29 (§ 1499.23a (u)) to this General Maximum Price Regulation shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9887; Filed, October 3, 1942; 12:44 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6682, 6682, 6899, 6937, 6937, 6964, 6964; 6965, 6973, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6007, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

PART 1499—COMMODITIES AND SERVICES

[Amendment 36 to Supplementary Regulation 14[1] to the General Maximum Price Regulation[2]]

TRANSPORTATION OF COAL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (5) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(5) *Transportation of coal in barges along the Atlantic Coast.* (i) Maximum prices for the transportation of coal in barges along the Atlantic Coast by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942 shall continue to be determined under the provisions of the General Maximum Price Regulation, except that as to all such transportation performed between the origins and destinations referred to below and commenced on or after August 3, 1942, but not later than December 2, 1942, the maximum prices shall be as follows:

MAXIMUM RATES[1] FOR TRANSPORTATION OF COAL IN BARGES

Destinations	Origins		
	Lower New Jersey piers[2]	Upper New Jersey piers[3]	Hampton Roads
New York	----	----	$2.00
Stamford, Conn.	.60	.55	2.50
Bridgeport, Conn.	.65	.60	2.50
New Haven, Conn.	.65	.60	2.50
New London, Conn.	[4] 1.25	[4] 1.20	2.50
Allyns Point, Conn.	[4] 1.30	[4] 1.25	2.55
Montville, Conn.	[4] 1.30	[4] 1.25	2.55
Norwich, Conn.	[4] 1.40	[4] 1.35	2.65
Newport, R. I.	[4] 1.40	[4] 1.35	2.65
Providence, R. I.	[4] 1.50	[4] 1.45	2.75
Pawtucket, R. I.	[4] 1.60	[4] 1.55	2.85
Fall River, Mass.	[4] 1.60	[4] 1.45	2.75
Somerset, Mass.	[4] 1.50	[4] 1.45	2.75
New Bedford, Mass.	[4] 1.65	[4] 1.60	2.90
Plymouth, Mass.	[4] 1.85	[4] 1.80	3.10
Hull, Mass.	[4] 1.85	[4] 1.80	3.10
Boston Harbor, Mass.[5]	[4] 1.75	[4] 1.70	3.00
Lynn, Mass.	[4] 1.75	[4] 1.70	3.00
Marblehead, Mass.	[4] 1.75	[4] 1.70	3.00
Salem, Mass.	[4] 1.75	[4] 1.70	3.00
Beverly, Mass.	[4] 1.75	[4] 1.70	3.00
Gloucester, Mass.	[4] 1.85	[4] 1.80	3.10
Portsmouth, N. H.	[4] 2.00	[4] 1.95	3.25
Portland, Maine	[4] 2.00	[4] 1.95	3.25
Boothbay, Maine	[4] 2.10	[4] 2.05	3.35
Bath, Maine	[4] 2.35	[4] 2.30	3.60
Gardner, Maine	[4] 2.75	[4] 2.70	4.00

MAXIMUM RATES[1] FOR TRANSPORTATION OF COAL IN BARGES—Continued

Destinations	Origins		
	Lower New Jersey piers[2]	Upper New Jersey piers[3]	Hampton Roads
Hallowell, Maine	[4] 2.85	[4] 2.80	4.10
Augusta, Maine	[4] 3.00	[4] 2.95	4.25
Rockland, Maine	[4] 2.75	[4] 2.70	4.00
Belfast, Maine	[4] 2.90	[4] 2.85	4.15
Camden, Maine	[4] 2.90	[4] 2.85	4.15
Searsport, Maine	[4] 2.85	[4] 2.80	4.10
Bucksport, Maine	[4] 2.90	[4] 2.85	4.15
Castine, Maine	[4] 3.00	[4] 2.95	4.25
N. E. Harbor, Maine	[4] 3.25	[4] 3.20	4.50
S. W. Harbor, Maine	[4] 3.25	[4] 3.20	4.50
Bar Harbor, Maine	[4] 3.25	[4] 3.20	4.50
Bangor, Maine	[4] 3.00	[4] 2.95	4.25
Brewer, Maine	[4] 3.00	[4] 2.95	4.25

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] Lower New Jersey piers include piers in South Amboy, Perth Amboy, Port Reading, and Elizabethport.

[3] Upper New Jersey piers include Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Applicable only to cargoes of less than 2200 net tons. Subtract five cents per net ton from the rates shown when cargo is 2200 net tons or more but less than 2800 net tons, and ten cents per net ton when cargo is 2800 net tons or more.

[5] Includes all points between but not including Hull, Massachusetts, and Lynn, Massachusetts.

The maximum rate applicable to any destination on the Atlantic Coast northerly from New York not specified above shall be the rate shown from the same origin to the closest destination set forth above.

The maximum rates specified above are for transportation in barges other than self-propelled barges and shall be increased by 15 cents per net ton when the transportation is performed by self-propelled barges.

(ii) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply until August 3, 1942, to the transportation of coal in barges between the origins and destinations referred to in paragraph (i) above, when such transportation is performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

(b) Effective dates. * * *

(37) Amendment No. 36 (§ 1499.73 (a) (5)) to Supplementary Regulation No. 14 shall become effective October 3, 1942, and shall, unless earlier revoked or extended, expire at twelve o'clock midnight December 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3 day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9882; Filed, October 3, 1942; 12:45 p. m.]

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7511, 7536, 7535, 7739, 7671, 7812, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 5486.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

PART 1306—IRON AND STEEL

[Maximum Price Regulation 230]

REUSABLE IRON AND STEEL PIPE

In § 1306.466 (c) appearing on page 7733 of the issue for September 30, 1942, the phrase "in subparagraph 3 of this paragraph" should be deleted and replaced by the words "in Table I."

In § 1306.466 (d) appearing on page 7735 of the same issue, the words "in subparagraph (5) of this paragraph" should be deleted and replaced by the words "in Table II."

PART 1340—FUEL

[Amendment 22 to Maximum Price Regulation 120]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

In § 1340.210 (a) (8) (ii), appearing on page 7670 of the issue for September 29, 1942, the reference to "§ 1340.210 (a) (6) (iv)" should be "§ 1340.210 (a) (8) (iv)". In § 1340.210 (a) (8) (iv) (c) (4) appearing on page 7671 of the same issue, the word "date" should be "data", and "specification" should be "specified".

PART 1351—FOODS AND FOOD PRODUCTS

[Temporary Maximum Price Regulation 22]

CERTAIN ESSENTIAL FOOD PRODUCTS

In accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to aid in stabilizing the cost of living" (H. R. 7565), 77th Congress, 2d Session, and under the authority of the Emergency Price Control Act of 1942, the Price Administrator, after consultation with the Secretary of Agriculture, hereby issues this Temporary Maximum Price Regulation No. 22 establishing as the maximum prices for certain essential food products not heretofore subject to price control the prices prevailing for those products during the five days prior to the date of issuance of this regulation.

AUTHORITY: §§ 1351.801 to 1351.813, inclusive, issued under H. R. 7565, 77th Cong. and Pub. Law 421, 77th Cong.

§ 1351.801 *Purpose of this regulation.* (a) It is the purpose of this regulation to establish maximum prices on the following essential food products:

(1) *Milk products.* All butter, cheese, condensed and evaporated milk, powdered milk, casein, malted milk powder, and any other commodity which is processed or manufactured from cow's milk and composed of milk ingredients constituting more than fifty percent by weight or volume, except fluid milk, fluid cream, and ice cream.

(2) *Eggs.* All shell, dried, frozen, and tanner eggs.

(3) *Poultry.* All chickens, fowl, roosters, capons, turkeys, ducks, geese, pigeons, squabs, and game birds including live, dressed, drawn, split, disjointed, and all other forms of the foregoing when sold for human consumption.

(4) *Mutton.* All meat from the carcasses of animals of the ovine species of either sex, other than "lamb".

(5) *White potatoes.* All white potatoes used for human consumption.

(6) *Canned citrus fruits and juices and other citrus products.* All canned fruits and juices made from citrus fruits (such as oranges, grapefruit, lemons, and limes) and combinations or blends thereof; citrus concentrates; and all other citrus products.

(7) *Fresh citrus fruits.* All fresh citrus fruits including but not limited to oranges, grapefruit, lemons, and limes.

(8) *Flour.* All flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soy beans, and potatoes, and combinations thereof including bleached, bromated, enriched, phosphated, and self-rising flours.

(9) *Cake mixes and flour mixes, in bulk and "packaged" in quantities greater than three pounds.* All combinations of flour with any other ingredients.

(10) *Onions.* All onions for human consumption, including all types and varieties other than green onions.

(11) *Dry edible beans, dried peas and lentils.* All threshed and dried field or garden beans, peas and lentils used for human consumption.

(12) *Corn meal, hominy, and hominy grits, in bulk and "packaged" in quantities greater than three pounds.* All corn "ground" for human consumption with or without the removal of all or part of the bran or germ.

The food products listed above are referred to in this regulation as "listed food products".

(b) From October 5, 1942, to December 3, 1942, inclusive, regardless of any contract, agreement, or other obligation, no person shall sell or deliver a listed food product, and no person in the course of trade or business shall buy or receive a listed food product at a price higher than the maximum price permitted by this Temporary Regulation No. 22; and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices may be charged, demanded, paid or offered.

§ 1351.802 *Maximum prices.* (a) The seller's maximum price for any listed food product shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same listed food product; or if no charge was made for the same listed food product, for the similar listed food product most nearly like it. If the seller did not sell the same or similar listed food product during the period September 28, 1942, to October 2, 1942, inclusive, his maximum price for such listed food product shall be the highest price charged during that period by his most closely competitive seller of the same class for the same listed food product; or, if no charge was made for the same listed food product, for the similar food product most nearly like it.

§ 1351.803 *Exempt sales.* (a) This Temporary Maximum Price Regulation No. 22 shall not apply to the following:

(1) Sales and deliveries made directly by a farmer of any listed food products produced on his farm. However, this Temporary Maximum Price Regulation No. 22 shall apply to a sale or delivery by a farmers' cooperative and to a sale or delivery directly by a farmer of any listed food products to an ultimate consumer if during the preceding month the farmer's sales to ultimate consumers of all food products produced on his farm exceeded $75.

(2) Deliveries to the United States, or any agency thereof, under contracts entered into prior to October 5, 1942.

§ 1351.804 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 22 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to a listed food product alone on or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed food product.

§ 1351.805 *Conditional agreements.* No seller of a listed food product shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1351.802 in the event that this Temporary Maximum Price Regulation No. 22 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Price Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1351.806 *Sales for export.* The maximum prices at which a person may export a listed food product shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [1] issued by the Office of Price Administration.

§ 1351.807 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 22 every person selling a listed food product shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed food product delivered or supplied during the period from September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of a listed food product during such period; and shall prepare, on or before October 24, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed food product delivered or supplied during such period and his offering prices for delivery or supply of a listed food product during such period, together with an appropriate identification of such product, and (2) all his customary allowances, discounts, and other price differentials.

(b) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 22, every person selling a listed food product shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such food product during the period from September 28, 1942, to October 2, 1942, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1351.808 *Enforcement.* (a) Persons violating any provisions of this Temporary Maximum Price Regulation No. 22 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 22 or of any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.809 *Petitions for amendment.* Persons seeking modification of any provisions of this Temporary Maximum Price Regulation No. 22 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1351.810 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 22, the term:

(1) "Person" means an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing;

(2) "Highest price charged during the base period" means the highest price which the seller charged for a listed food product delivered by him during the period from September 28, 1942 to October 2, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price dif-

[1] 7 F.R. 5059, 7242

[2] 7 F.R. 971, 3663, 6967.

ferentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed food product than the seller required purchasers of the same class to pay during such period on deliveries of a listed food product.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding October 2, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation,[3] issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1351.811 *Relation to other maximum price regulations.* The provisions of this Temporary Maximum Price Regulation No. 22 shall not apply to any sale or delivery of a listed food product for which a maximum price is in effect on October 5, 1942, under the provisions of any other price regulation, including the General Maximum Price Regulation, issued by the Office of Price Administration.

§ 1351.812 *Revocation or replacement of regulation.* This Temporary Maximum Price Regulation No. 22 may be revoked or replaced by a permanent Maximum Price Regulation or Order issued by the Office of Price Administration.

§ 1351.813 *Effective period.* This Temporary Maximum Price Regulation No. 22 (§§ 1351.801 to 1351.813, inclusive), shall become effective on October 5, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, December 3, 1942.

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9890; Filed, October 3, 1942; 2:01 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 30, Amendment]

PART 1508—MARKETING

MARKETING MATERIALS

To all persons supplying equipment for the marketing of petroleum products:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, Recommendation No. 30 (§§ 1508.12 to 1508.14, inclusive, of this chapter)[1] is hereby amended and the section numbering thereof changed to read as follows:

AUTHORITY: §§ 1508.12 to 1508.15, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior 6 F.R. 2760).

§ 1508.12 *Definitions.* (a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(b) "Marketing" means the operation of all facilities (other than petroleum terminal or terminal storage facilities or marine, rail, pipe line or truck facilities used to transport petroleum) for distributing or dispensing petroleum (excluding natural gas) including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(c) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(d) "Equipment" means dispensing pumps and storage tanks having a capacity of more than 65 gallons used in marketing.

(e) "Operator" means any person engaged in marketing.

(f) "Owner" means any person, other than an operator, who has, subject to the rights of any operator, the right to possession of the premises on which equipment is installed.

§ 1508.13 *Notice of intention to remove.* No person having the right to remove from the premises of any operator or owner any equipment operated by such operator whether by reason of the termination of a supply arrangement at the election of either, or for any other reason, shall do so until he shall have given reasonable notice in writing of not less than thirty days to the operator of his intention so to remove such equipment, or until he shall have received the prior consent in writing of such operator.

§ 1508.14 *Option in operator.* Any operator having received notice from any person pursuant to § 1508.13 of this chapter of intention to remove any equipment shall have the option for the period of the notice, but not more than forty-five days from the giving of notice, to purchase or complete the purchase, or procure another person to purchase or ercise of such option, the equipment covered by such notice, and on the exercise of such option, the equipment covered thereby shall be sold in accordance therewith at a reasonable price based on original cost less reasonable depreciation. During any such option period, the operator shall have the right to use the installed equipment and to authorize its use by any person for the purpose of supplying the operator with petroleum.

§ 1508.15 *Option in owner.* When such operator does not exercise the option granted pursuant to § 1508.14, the owner shall be given an option in writing to purchase or arrange for the purchase of the presently installed equipment at a reasonable price based on original cost less reasonable depreciation. Such option shall be for a period of not less than fifteen days, and such equipment shall not be removed prior to the expiration of such option.

R. K. DAVIES,
Deputy Petroleum Coordinator for War.

SEPTEMBER 25, 1942.

E. J. SKIDMORE,

[F. R. Doc. 42-9847; Filed, October 3, 1942; 10:57 a.m.]

[Recommendation 39, Amendment]

PART 1508—MARKETING

CONSERVATION OF FUEL OIL

To all suppliers of fuel oil in District One and in the States of Oregon and Washington:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, Recommendation No. 39 (§§ 1508.38 to 1508.41, inclusive, of this chapter)[2] is hereby amended by deleting §§ 1508.38 to 1508.40, inclusive, and amending § 1508.41 to read as follows:

§ 1508.41 *Conservation of fuel oil.* Except in case of sickness or other emergency which makes essential the maintenance of higher temperatures, controls used by consumers of fuel oil for the regulation of air temperature should be kept at a maximum of 65° Fahrenheit during the day and a maximum of 55° Fahrenheit during the night. All space which is not being utilized or is nonessential should be closed off from the remainder of the establishment and not heated. Controls used by consumers of fuel oil for the regulation of the temperature of hot water for domestic use should be kept at a maximum of 140° Fahrenheit.

(The President's letter of May 28, 1941, to the Secretary of the Interior, 6 F.R. 2760).

R. K. DAVIES,
Deputy Petroleum Coordinator for War.

SEPTEMBER 29, 1942.

[F. R. Doc. 42-9848; Filed, October 3, 1942; 10:58 a. m.]

[Recommendation 45, Amended]

PART 1508—MARKETING

USE OF ASPHALT OR TAR PRODUCTS ON ROADS AND HIGHWAYS

To All State Highway Commissions, and To All Federal, State, County, and

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5755, 5784 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

[1] 7 F.R. 674.

[2] 7 F.R. 2951.

Municipal Bodies or Agencies Having Jurisdiction Over the Construction, Reconstruction, Maintenance, or Repair of Roads, Highways, and Other Similar Surfaces, and To All Suppliers of Asphalt and Asphaltic Products and Tar and Tar Products:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, §§ 1508.44 to 1508.48 of this chapter (Recommendation No. 45,[1] dated April 24, 1942, Amendment July 2, 1942,) are hereby amended to read as follows:

AUTHORITY: §§ 1508.44 to 1508.48, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.44 *Use of asphalt or tar products on roads and highways.* Subject to the provisions of § 1508.47 of this chapter, the use of asphalt or of any asphaltic product, including road oils, or of tar or any tar product, in the construction, reconstruction, paving, surfacing or resurfacing, and in the maintenance or repair, of any public road, street, highway or driveway, or public parkway, in the areas defined in § 1508.48 of this chapter, and the purchase, sale, delivery, or withdrawal from storage of any asphalt or asphaltic product including road oil, or tar or any tar product, for any such use, shall be deferred for the duration of the emergency, except in the case of public roads, streets, highways or driveways, or public parkways, certified by the Public Roads Administration of the Federal Works Agency to be necessary to the successful prosecution of the war, and for the construction, reconstruction, paving surfacing or resurfacing, or the maintenance or repair, of which the Public Roads Administration certifies that the use of asphalt or an asphaltic product (not including road oil), or tar or a tar product is essential. Certification by the Public Roads Administration shall be made after review and recommendation by the appropriate state highway department pursuant to such procedure as the Commissioner of Public Roads may prescribe, except that in cases of use by or on behalf of an agency of the Federal Government application shall be made direct to the Public Roads Administration.

§ 1508.45 *Other surfacing.* Subject to the provisions of § 1508.47 of this chapter, no asphalt or asphaltic product, including road oils, or tar or any tar product, shall be used during the emergency in the construction, reconstruction, paving, surfacing or resurfacing, or in the maintenance or repair, of any roadway or other surface for vehicular use subject to restricted use, walkway, yard, parking area, or any other similar surface except as may be approved by the Director of Marketing, Office of Petroleum Coordinator for War, Washington, D. C., in the area defined in § 1508.48 of this chapter, except that no approval is required in the case of airport or aircraft plant surfaces on which aircraft travel, or surfaces within buildings.

[1] 7 F.R. 3669, 5142.

§ 1508.46 *Transportation of asphalt and asphaltic products.* Asphalt and asphaltic products, including road oils, and tar and tar products, shall be transported by means of tank truck in all movements of 200 miles or less except where suitable tank truck transportation cannot be obtained.

§ 1508.47 *Date of applicability.* In any case where asphalt or any asphaltic product (not including road oil), or tar or any tar product, is being used, pursuant to a written contract for the purposes described in §§ 1508.44 or 1508.45 of this chapter in the area defined in paragraph (b) of § 1508.48 of this chapter, but only where equipment and material has been placed upon the location on or before the date of this amended Recommendation, the use thereof shall be permitted for 20 days following such date, and the delivery thereof for such use shall be permitted for 10 days following such date, but shall be permitted thereafter only upon certification by the Public Roads Administration in the manner contemplated in § 1508.44 or approval as provided in § 1508.45 of this chapter. The delivery of road oils in such area for the purposes described in §§ 1508.44 and 1508.45 of this chapter shall cease on the date of this amended Recommendation, and the use thereof, in such area for such purposes shall cease 20 days following such date. Road oil in tank cars on the date of this amended Recommendation shall be deemed to have been delivered. Certifications and approvals as prescribed in §§ 1508.44 and 1508.45 will not apply to road oils.

§ 1508.48 *Areas of applicability.* (a) Continental United States.

(b) The States of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 5, 1942.

[F.R. Doc. 42-9864; Filed, October 3, 1942; 11:44 a. m.]

Chapter XV—Board of War Communications

[Order 19]

PART 1714—INTERNATIONAL RADIO-TELEPHONE COMMUNICATIONS

TERMINATION OF CERTAIN INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

Whereas an agreement has been reached between the appropriate authorities of the Governments of the United States and of Australia for the operation of a radiotelephene circuit between the United States and Australia;

Now, therefore, By virtue of the authority vested in the Board by Executive Order No. 8964,[2] dated December 10, 1941, the Board's Order No. 18,[3] dated August 27, 1942, is hereby amended to read as follows:

[2] 6 F.R. 6367.
[3] 7 F.R. 7013.

It is hereby ordered as follows:

§ 1714.1 *Termination of certain international radiotelephone communications.* From and after the date hereof, (a) non-governmental business radiotelephone calls between the United States and Great Britain shall be permitted subject to the prior approval thereof from the Office of Censorship. No personal radiotelephone calls shall be permitted between the United States and Great Britain.

(b) No non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere other than Great Britain unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship: *Provided, however,* That this provision shall not apply to American press calls or radiobroadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

(c) No calls of any nature over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (b) of this section, shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.

(d) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph or radiotelegraph communications.

Board of War Communications.

JAMES LAWRENCE FLY,
Chairman.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 43-9849; Filed, October 3, 1942; 10:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-35]

PART 210—EXEMPTIONS

EXEMPTION OF CASUAL, OCCASIONAL OR RECIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE

In the matter of request of the Court for postponement of the effective date of the order in the above-entitled matter.

Present: Claude R. Porter, Commission, to whom the above-entitled matter has been assigned for action thereon.

Upon consideration of the request of the Court that the effective date of the order in the above-entitled case be extended, and good cause appearing:

It is ordered, That the order of this Commission of March 21, 1942,[1] as subsequently modified to become effective October 1, 1942, be, and it is hereby, further modified so as to become effective on November 1, 1942.

Dated at Washington, D. C., this 28th day of September, 1942.

By the Commission, Commissioner Porter.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-9917; Filed, October 5, 1942; 11:14 a. m.]

Chapter II—Office of Defense Transportation

[Special Direction ODT 7-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS AND PERMITS

SUBPART B—TANK CARS—EXCEPTIONS, PERMITS, AND DIRECTIONS

FORWARDING OF EMPTY TANK CARS

Pursuant to the provisions of § 500.13 of General Order ODT 7, as amended,[2] *It is hereby ordered,* That:

§ 520.408 *Special Direction 7-1.* On and after October 10, 1942, every common carrier by railroad, unless otherwise ordered by the Section of Tank Car Service or branch thereof, immediately after the unloading of any tank car and regardless of the ownership thereof or of the track on which such car is located, shall forward such empty tank car to its last point of origin over the route traveled by such car when loaded, unless, prior to the forwarding of such car the carrier shall have received contrary instructions from the consignor thereof.

Issued at Washington, D. C., this 3d day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9925; Filed, October 5, 1942; 11:45 a. m.]

[General Permit ODT 24-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

RESTRICTED USE OF PRIVATE OR CHARTERED CARS

In accordance with the provisions of General Order ODT 24,[3] Title 49, Chapter II, Part 500, Subpart D, § 500.42,

It is hereby authorized, That:

§ 520.600 *Use of private or chartered cars.* Notwithstanding the provisions of paragraph (c) of § 500.41 of General Order ODT 24, any rail carrier when operating a scheduled passenger train which furnishes daily round-trip commuting suburban service not less than five (5) days, exclusive of holidays, in each calendar week, may include in such train a railroad car, the use of which by prior arrangement is restricted to a number of persons traveling together as a group: *Provided,* That such railroad car has been operated continuously as a group occupancy car on such train not less than five (5) days each week, exclusive of holidays, during the period of one year next preceding the effective date of this subpart, and provided further that unoccupied seating capacity of such car is made available for use of overflow traffic from other cars on such train without extra or additional charge and that the inclusion of any such car in any such train does not prevent the inclusion of any other cars in such train.

This General Permit shall become effective on October 4, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 3d day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9926; Filed, October 5, 1942; 11:45 a. m.]

[General Permit ODT 6-9]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART E—LOCAL DELIVERY CARRIERS

MILEAGE REDUCTION REQUIREMENTS; CERTIFICATE OF WAR NECESSITY

In accordance with the provisions of paragraph (e) of § 501.36 of General Order O.D.T. No. 6, as amended,[1] Chapter II, Title 49, Part 501, Subpart E,

It is hereby authorized, That:

§ 521.2009 *Mileage reduction requirements; certificate of war necessity.* When a Certificate of War Necessity, as provided by General Order ODT 21,[2] is issued to any local carrier which certifies the total maximum mileage to be operated by any commercial motor vehicle or vehicles, singly or collectively, during any stated period, such local carrier is hereby relieved, in respect of such vehicle or vehicles so operated, from compliance with the provisions of § 501.33 of General Order O.D.T. No. 6, as amended: *Provided,* That the operation of such vehicle or vehicles by such local carrier shall be governed by the terms and conditions specified in such Certificate of War Necessity. (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 6, 7 F.R. 3008, 3532, 4184)

This General Permit shall become effective October 5, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 5th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9927; Filed, October 5, 1942; 11:45 a. m.]

[General Permit ODT No. 17-15]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY

Mileage Reduction Requirements; Certificate of War Necessity

In accordance with the provisions of General Order O.D.T. No. 17, as amended,[1] Title 49, Chapter II, Part 501, Subpart K, § 501.71,

It is hereby authorized, That:

§ 521.2891 *Mileage reduction requirements; Certificate of War Necessity.* When a Certificate of War Necessity, as provided by General Order ODT 21,[2] is issued to any motor carrier which certifies the total maximum mileage to be operated by any commercial motor vehicle or vehicles, singly or collectively, during any stated period, such motor carrier is hereby relieved, in respect of such vehicle or vehicles so operated, from compliance with the provisions of § 501.67 of General Order O.D.T. No. 17, as amended: *Provided,* That the operation of such vehicle or vehicles by such motor carrier shall be governed by the terms and conditions specified in such Certificate of War Necessity. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, as amended, 7 F.R. 5678, 7694)

This General Permit shall become effective October 5, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 5th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9928; Filed, October 5, 1942; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1634]

HIGH POINT COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals produced by High Point No. 1 Mine (Mine Index No. 241) of High Point Coal Company, a code member in District No. 8.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

[1] 7 F.R. 2849, 3531, 5280, 6838.
[2] 7 F.R. 3332, 3531.
[3] 7 F.R. 7814.

[1] 7 F.R. 3008, 3532, 4184.
[2] 7 F.R. 7100.

[1] 7 F.R. 5678; 7694.

with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 20, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 8 requesting the following changes in price classifications and minimum prices for All Shipments Except Truck and for Truck Shipments, for the coals of the High Point No. 1 Mine, Mine Index No. 241, of High Point Coal Company:

Rail: Size Groups 5 to 8, inclusive, from "B" to "A."
Size Groups 11 to 14, inclusive, from "B" to "A."
Lake: Size Groups 5 and 6, from "B" to "A."
Truck: Size Group 4, from "$2.55" to "$2.60."

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Direc

[F. R. Doc. 42-9903; Filed, October 5, 1942; 11:09 a. m.]

[Docket No. 1859-FD]

WHEELING TOWNSHIP COAL MINING COMPANY

ORDER APPROVING AND ADOPTING WITH MODIFICATION THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER

In the matter of the application of the Wheeling Township Coal Mining Company for permission to accept and retain distributors' discounts on coal purchased by it and resold to the Goodyear Tire and Rubber Company, or any of its affiliates.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by The Wheeling Township Coal Mining Company, pursuant to §§ 304.19 (c) and 304.12 (b) (8) of Rules and Regulations for the Registration of Distributors and pursuant to paragraph (h) of the Agreement by Registered Distributor executed by the petitioner, a registered distributor, (Registration No. 9644), seeking permission to accept and retain distributors' discounts on coal purchased and resold by it to the Goodyear Tire and Rubber Company and to any of Goodyear's affiliates;

A hearing having been held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., on September 18-19, 1941, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter on February 11, 1942, recommending that relief be denied;

The respondent having filed exceptions thereto and supporting brief;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the exceptions of the petitioner, The Wheeling Township Coal Mining Company, to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner be and they hereby are severally over-ruled except as otherwise indicated in the Findings of Fact, Conclusions of Law, and Opinion of the undersigned filed herewith.

It is further ordered, That the proposed findings of fact, and proposed conclusions of law of the Examiner be and they hereby are modified as indicated in the Findings of Fact, Conclusions of Law, and Opinion of the undersigned filed herewith.

It is further ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner, as modified, be and they hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the relief prayed for by the petitioner be, and the same hereby is, denied.

[1] Not filed as part of the original document.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9904; Filed, October 5, 1942; 11:09 a. m.]

[Docket No. B-279]

SWINDLE COAL COMPANY

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of F. L. Swindle, doing business under the name and style of Swindle Coal Company, code member.

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on July 30, 1942, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee, and said hearing having been postponed by Order dated July 22, 1942 to a time and place to be thereafter designated by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Courthouse, Chattanooga, Tennessee.

It is further ordered, That Floyd McGown or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the Notice of and Order for Hearing herein dated June 25, 1942, shall in all other respects remain in full force and effect.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9905; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. 1790-FD]

SOUTH PITTSBURG COAL COMPANY

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of South Pittsburg Coal Company, a corporation, code member.

The above-entitled matter having been heretofore rescheduled for hearing by Order dated June 6, 1942, at 10 a. m. on July 15, 1942, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee; and

Said hearing having been postponed by Order dated June 26, 1942 to July 31, 1942 at the aforesaid time and place and having been further postponed by Order dated July 22, 1942 to a time and place to be thereafter named by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Courthouse, Chattanooga, Tennessee.

It is further ordered, That Floyd McGown or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the said Order herein dated June 6, 1942, shall in all other respects remain in full force and effect.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9906; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. B-277]

MARKET STREET COAL COMPANY

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, code member.

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on July 29, 1942, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee, and said hearing having been postponed by Order dated July 22, 1942, to a time and place to be thereafter designated by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 26, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court House, Chattanooga, Tennessee.

It is further ordered, That Floyd McGown or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the Notice of and Order for Hearing herein dated June 25, 1942, shall in all other respects remain in full force and effect.

Dated October 2, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9907; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. A-341]

WHEELING VALLEY COAL CORPORATION, ET AL.

ORDER DISMISSING PETITION

In the matter of the petition of Wheeling Valley Coal Corporation, Cove Hill Coal Company, and the Buffalo Coal and Coke Company, code members in District No. 6, for a reduction in the effective minimum prices for ex-river shipments into Market Areas 11, 12 and 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Wheeling Valley Coal Corporation, Cove Hill Coal Company, and the Buffalo Coal and Coke Company, original petitioners in the above-entitled matter, having moved that the original petition therein be dismissed, and no opposition having been expressed thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9909; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. C-17]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER POSTPONING HEARING

In the matter of the application of Public Service Company of Indiana, Inc., for exemption pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

A hearing in the above-entitled matter having been heretofore scheduled for October 6, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., and it appearing appropriate that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of October 6, 1942, until 10 o'clock in the forenoon of December 1, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C. On December 1, 1942, the Chief of the Records Section in the offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9910; Filed, October 5, 1942; 11:11 a. m.]

CAROLINA COAL & ICE CORP. ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Carolina Coal & Ice Corporation, Cherokee Coal & Coke Co. (E. H. & S. H. Stegall), Dawson-Gruman Co., Inc., Liebig Coal Company, Sumption-Heady-Hunt Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the list of Registered Distributors.

Accordingly, it is so ordered.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER, *Director.*

EXHIBIT A

Registration No., name, and address

1428 Carolina Coal & Ice Corporation, 80 Patton Avenue, Asheville, N. C.
1551 Cherokee Coal & Coke Co. (E. H. & S. H. Stegall), Cherokee Building, Knoxville, Tenn.
2175 Dawson-Gruman Co., Inc., 637 S. West St., Syracuse, N. Y.
5573 Liebig Coal Company, Quincy, Ill.
8841 Sumption-Heady-Hunt Company, 1501 No. Market St., Kokomo, Ind.

[F. R. Doc. 42-9911; Filed, October 5, 1942; 11:11 a. m.]

[Docket No. C-6]

EMERALD COAL AND COKE COMPANY

ORDER POSTPONING HEARING

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal pursuant to Rule 5 of section VI of the marketing rules and regulations.

The original petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for October 5, 1942, be postponed until November 16, 1942, and a postponement having been consented to by all protestants provided that the date of the hearing be scheduled not earlier than December 1, 1942, and good cause having been shown why a postponement should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from October 5, 1942, until 10 o'clock in the forenoon of December 1, 1942, at the place and before the officers heretofore designated.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9913; Filed, October 5, 1942; 11:11 a. m.]

[Docket No. B-294]

HAL MASSEY, CODE MEMBER

ORDER ADVANCING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 24, 1942, at a hearing room of the Bituminous Coal Division, Room 214 Post Office Building, Knoxville, Tennessee; and

The Director deeming it advisable that said hearing should be advanced;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be advanced from 10 o'clock in the forenoon of October 24, 1942 to 10 o'clock in the forenoon of October 23, 1942, at

the same place and before the officer or officers previously designated to preside at said hearing.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9914; Filed, October 5, 1942; 11:12 a. m.]

[Docket No. B-298]

BOYD SLUSHER, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 21, 1942 at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee; and

The Director deeming it advisable that said hearing should be postponed.

Now, therefore, it is ordered, That the said hearing in the above-entitled matter be, and the same hereby is, postponed to a time and place to be hereafter designated by an appropriate order.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9915; Filed, October 5, 1942; 11:12 a. m.]

[Docket No. B-297]

DEWEY C. YORK, ET AL.

ORDER POSTPONING HEARING

In the matter of Dewey C. York, Dude Park and I. T. York, individually and as co-partners, doing business under the name and style of York & Park, a partnership, Code Member.

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 21, 1942, at a hearing room of the Bituminous Coal Division, Room 214, Post Office Building, Knoxville, Tennessee; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of October 21, 1942, to 10 o'clock in the forenoon of October 22, 1942, at the same place and before the officer or officers previously designated to preside at said hearing.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9916; Filed, October 5, 1942; 11:12 a. m.]

[Docket Nos. A-1508 and A-1504, Part II]

DISTRICT BOARD 4

ORDER GRANTING MOTION, ETC.

In the matter of the petition of Bituminous Coal Producers Board for District No. 4 for classification and pricing of gob pile or reject coal for both rail and truck shipment.

In the matter of the petition of Bituminous Coal Producers Board for District No. 4 for the establishment of a price instruction to be added to the schedule of effective minimum prices for District No. 4 for all shipments except truck which would permit coals passing through a preparation plant not constituting a part of the facilities of the mine at which said coals were produced to take the same prices for the various kinds, qualities, and sizes of coal as if said preparation plant were located at the mine where said coal was actually produced.

Order granting motion to file petition amending original petition and postponing date of hearing in Docket No. A-1508 only, and order redesignating examiner.

On June 16, 1942, an original petition was filed in Docket No. A-1508 by District Board No. 4 requesting that the Schedules of Effective Minimum Prices for District No. 4 for All Shipments Except Truck and for Truck Shipments be amended, as follows:

That there be added on Page 3 of Price Schedule No. 1 of District No. 4, covering all shipments except truck, under the heading "(B) Price Exceptions", a paragraph numbered 5 and that there be added on Page 3 of Price Schedule No. 1 of District No. 4 for truck shipments, under the heading "(B) Price Exceptions", a paragraph numbered 3, to read as follows:

Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed; otherwise the price of such recovered reject coal shall be $1.75 per net ton f. o. b. the mine. The invoices for all such coal having a size over 2" shall carry the designation "Reject" instead of a size group number and shall show the exact size of the coal as loaded.

On June 29, 1942, a notice of and order for hearing was issued by the Bituminous Coal Division in which it was ordered that a hearing be held in Docket No. A-1508 on August 5, 1942, at a hearing room of the Division, Washington, D. C. The dates on which these hearings were scheduled were subsequently postponed to October 5, 1942.

On September 23, 1942, District Board No. 4 filed a Motion For Leave to File Amended Petition in Docket No. A-1508 requesting that the Schedules of Effective Minimum Prices for District No. 4 for All Shipments Except Truck and for Truck Shipments be amended, as follows:

(a) That there be added on Page 3 of Price Schedule No. 1 of District No. 4, covering all shipments except truck, under the heading "(B) Price Exceptions", a paragraph numbered 5 to read as follows:

Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed when shipped into Market Areas 13, 14 and 17.

(b) That there be added on Page 3 of Price Schedule No. 1 of District No. 4, for truck shipments, under the heading "(B) Price Exceptions", a paragraph numbered 3 to read as follows:

The price of low grade reject or bone coal recovered from gob piles, bins or picking tables, which has not been crushed, shall, when sold for truck delivery from rail mines to Market Areas 13, 14 and 17, be $1.75 per net ton f. o. b. the mine, gob pile or bin. The invoices for such coal shall carry the designation "Reject" instead of size group number.

On September 28, 1942, District Board No. 4 filed an Application for Continuance, requesting a further postponement of the hearing in Docket No. A-1508 only, for at least three weeks, alleging that it was necessary to permit its principal witness in this docket to appear at the hearing.

It appears that good cause has been shown to postpone this hearing to a later date. However, in view of the previous postponement of this matter, it is expected that District Board No. 4 will be prepared to proceed with its case on the date scheduled herein for the hearing.

It further appears that the Motion for Leave to File Amended Petition in Docket No. A-1508 has been duly served upon all interested persons and that there has been no objection to the granting of this motion.

It is therefore ordered, That the hearing in Docket No. A-1508 be, and it hereby is, postponed until October 19, 1942, and that the hearing in Docket No. A-1504, Part II, scheduled for hearing by order dated July 31, 1942, be held on October 5, 1942, as heretofore scheduled.

It is further ordered, That the Motion for Leave to File Amended Petition of District Board No. 4 in Docket No. A-1508 be, and it hereby is, granted.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in this matter vice Examiner Floyd McGown.

It is further ordered, That the time within which petitions of intervention may be filed is extended to October 14, 1942.

It is further ordered, That in all other respects the orders for hearing entered herein shall remain in full force and effect.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9912; Filed, October 5, 1942; 11:11 a. m.]

Bureau of Reclamation.

WILLAMETTE VALLEY INVESTIGATIONS, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 14, 1942.

It is recommended that the following described lands be withdrawn from public entry, under the first form withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388):

WILLAMETTE VALLEY INVESTIGATIONS, OREGON
WALDO LAKE RESERVOIR SITE

Willamette Meridian

Township 21 South, Range 5½ East:
Section 14—SE¼;
Section 23—All;
Section 26—All;
Section 34—SE¼;
Section 35—All.
Township 22 South, Range 5½ East:
Section 2—All;
Section 3—NE¼;
Section 11—N½.
Township 22 South, Range 6 East:
Section 7—Lots 5, 6, E½SW¼, SE¼;
Section 8—All;
Section 16—NW¼;
Section 19—NE¼;
Section 20—NW¼.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: September 23, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of this office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

SEPTEMBER 25, 1942.

[F. R. Doc. 42-9854; Filed, October 3, 1942; 10:58 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

GLOVES AND MITTENS INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Determination of the prevailing minimum wage in the gloves and mittens industry.

Whereas, the Secretary of Labor, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III 35), issued on July 28, 1937, a determination that the prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United State Government, subject to the provisions of that Act, for the manufacture or supply of men's work gloves, including the manufacture of leather work gloves, leather-palm cotton gloves, all canvas or canton flannel work gloves, knit gloves, woolen knit lined gloves, and officers' white cotton gloves, is 35 cents per hour, and that there shall be a tolerance of not to exceed 10 percent of the workers in any one establishment for workers who are in fact learners, handicapped or superannuated workers subject to the conditions that they be paid not less than 25 cents per hour and not less than piece rates paid to other workers in the same establishment; and

Whereas, the Secretary of Labor issued regulations (ti. 41, c. 2, Code of Federal Regulations, § 201.1102), effective September 15, 1942 permitting employment of handicapped workers at subminimum rates under the Public Contracts Act in accordance with the regulations of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, and amended all prevailing minimum wage determinations, including the Work Glove Wage Determination, to provide that handicapped or superannuated workers may not be employed at subminimum rates under any other conditions in the performance of any contract bids for which are submitted or negotiations commenced by the contracting agency on or after September 15, 1942; and

Whereas, the Administrator of the Wage and Hour Division, pursuant to the Fair Labor Standards Act of 1938, on August 22, 1942, issued a wage order effective September 21, 1942 (7 F.R. 6713), providing that wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Gloves and Mittens Industry and defining the industry to mean:

The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens: *Provided, however,* That the definition shall not include any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendation of an industry committee or appointing an industry committee for such industry, issued prior to the signing of Administrative Order No. 137 appointing Industry Committee No. 40 for the Gloves and Mittens Industry, except the products included in the wage orders issued for the "Work Gloves and Mittens" and the "Gloves and Mittens Other Than Work Gloves and Mittens" Divisions of the Apparel Industry;

and

Whereas, it appears that substantially all employees in the Gloves and Mittens Industry, as defined in the wage order of the Administrator, are engaged in commerce or the production of goods for commerce as that term is defined in the Fair Labor Standards Act of 1938, and that the wage order of the Administrator will, therefore, have the effect of establishing not less than 40 cents per hour as the prevailing minimum wage in the Gloves and Mittens Industry;

and

Whereas, it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to substitute for the present tolerance for learners a provision that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, issued under the Fair Labor Standards Act of 1938 (Reg. Title 29, ch. V, Parts 521 and 522).

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before October 17, 1942, why the Work Glove Wage Determination of the Secretary should not be amended by:

(1) Increasing the prevailing minimum wage from 35 cents an hour to 40 cents an hour;

(2) Adopting the following definition of the industry to conform to the definition of the Gloves and Mittens Industry in the wage order of the Administrator issued under the Fair Labor Standards Act of 1938:

The Gloves and Mittens Industry is that industry which manufactures gloves and mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combination of materials (other than rubber);

(3) Changing the title of the industry in the determination from the "Work Glove Industry" to the "Gloves and Mittens Industry;" and

(4) Substituting for the present tolerance for learners a provision that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than October 17, 1942.

Dated: October 2, 1942.

WM. R. MCCOMB,
Assistant Administrator.

[F. R. Doc. 42-9855; Filed, October 3, 1942; 11:28 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

The Goodimate Co., 32nd & Reed Sts., Philadelphia, Pennsylvania; Men's suits and overcoats; 5 percent (T); October 5, 1943.

Tuxedo Neckwear Co., 123–125 N. 4th St., Philadelphia, Pennsylvania; Neckwear; 5 learners (T); October 5, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Anderson Brothers Cons, Co's., Inc., High & Floyd Sts., Danville, Virginia; Coveralls, pants, shirts, smocks, caps, coats, auto jackets; 10 percent (T); October 5, 1943.

Cape-Ann Mfg. Co., 31–33 Commercial St., Gloucester, Massachusetts; Mackinaws, jackets, field and combat jackets; 5 percent (T); October 5, 1943.

Central Mfg. Co., Mulberry St., Dickson, Tennessee; Work shirts and Army shirts; 10 percent (T); October 5, 1943.

Central Mfg. Co., Legion St., Clarksville, Tennessee; Work shirts and pants, Army pants; 10 percent (T); October 5, 1943.

Central Wash Suit Co., Inc., Broad & Wayne Sts., Haverstraw, New York; Children's washable suits and outerwear; ladies apparel; 10 learners (T); October 5, 1943.

Charis Corp., 730 Linden St., Allentown, Pennsylvania; Corsets; 10 percent (T); October 5, 1943.

Cut-Rite Undergarment Co., 29 Chuctanunda St., Amsterdam, New York; Ladies' rayon satin nightgowns; 7 learners (T); October 5, 1943.

Derby Sportswear, Inc., Herkimer, New York; U. S. Army field jackets, misses' and children's sportswear; 10 percent (T); October 5, 1943.

J. Freezer & Son, Inc., Radford (East End), Virginia; Men's cotton dress shirts; 10 learners (T); October 5, 1943.

H. B. Glover Co., Union St., Dyersville, Iowa; Men's shirts; 10 learners (T); October 5, 1943.

Hortex Mfg. Co., 213 South Oregon St., El Paso, Texas; Juvenile clothing; 8 learners (T); October 5, 1943.

Hostess Frocks, 44 Pine Hollow Road, Oyster Bay, New York; Cotton dresses; 3 learners (T); October 5, 1943.

K & C Blouse Co., 302 South Market St., Chicago, Illinois; Women's blouses; 7 learners (T); October 5, 1943.

Lansford Frocks, Inc., 45–49 West Patterson St., Lansford, Pennsylvania; Junior dresses; 10 percent (T); October 5, 1943.

LeRoy Shirt Co., 11 Chestnut St., South, Norwalk, Connecticut; Men's shirts, men's sport shirts, military shirts for U. S. Navy and U. S. Army; 10 learners (T); October 5, 1943.

Mayflower Mfg. Co., 4 North Frederick St., Baltimore, Maryland; Pajamas and blouses; 5 learners (T); October 5, 1943.

George Y. Miller, Front St., Liverpool, Pennsylvania; Dresses; 5 learners (T); October 5, 1943.

The Moyer Mfg. Co., 18–24 N. Walnut St., Youngstown, Ohio; Men's & students' trousers, U. S. Army trousers; 10 percent (T); October 5, 1943.

The Parker Shirt Co., 24 Walnut St., New Britain, Connecticut; Men's shirts, pajamas and short drawers; 5 learners (T); October 5, 1943.

Peerless Mills, 516 Iron St., Lehighton, Pennsylvania; Ladies cotton dresses; 10 percent (T); October 5, 1943.

Pottstown Shirt Co., Charlotte & Cherry Sts., Pottstown, Pennsylvania; Shirts; 10 percent (T); October 5, 1943.

Puritan Mills, Inc., 330–36 West Campbell Ave., Roanoke, Virginia; Cotton nightwear; 55 learners (E); April 5, 1943.

The Rauh Co., 9th & Sycamore Sts., Cincinnati, Ohio; Men's & boys' dress and sport shirts; 10 percent (T); October 5, 1943.

Romano Dress Co., 119 South William St., Newburgh, New York; Silk & wool dresses; 7 learners (T); October 5, 1943.

A. Rosenblatt & Sons, Inc., Main St., Poultney, Vermont; Mfg. cotton dresses and housecoats; 10 percent (T); October 5, 1943.

Edward Shuwall & Co., Inc., Hanover St., Pottstown, Pennsylvania; Children's dresses; 10 percent (T); October 5, 1943.

Slumba-Togs Mfg. Co., Inc., 1306 Memorial Ave., Williamsport, Pennsylvania; Children's pajamas; 5 percent (T); October 5, 1943.

Stahl-Urban Co., North Second St., Brookhaven, Mississippi; U. S. Army trousers & mackinaws, men's work and semi-dress trousers, sport jackets; 10 percent (T); October 5, 1943.

State Sportswear Mfg. Co., Partition St., Saugerties, New York; Ladies silk blouses; 5 learners (T); October 5, 1943.

Utica Knitting Co., Mill No. 8, 1712 Erie St., Utica, New York; Swim trunks (woven), men's and boys' woolen shorts and union suits; 10 percent (T); October 5, 1943.

Van Deusen Dress Mfg. Co., 109 East Main St., Cobleskill, New York; Children's dresses; 20 learners (E); April 5, 1943.

Washington Overall Mfg. Co., Maple & Court Sts., Scottsville, Kentucky; Work and semi-dress pants; 10 percent (T); October 5, 1943.

Wartheimer & Co., 2200 Arch St., Philadelphia, Pennsylvania; Ladies' blouses; 10 percent (T); October 5, 1943.

Westmoreland Garment Corp., Norvelt, Pennsylvania; Trousers; 10 percent (T); October 5, 1943.

Will Ross, Inc., 3100 West Center St., Milwaukee, Wisconsin; Washable service apparel; 5 learners (T); October 5, 1943.

Artificial Flowers and Feathers Industry

Select Novelty Mfg. Co., Inc., 421 South Market St., Chicago, Illinois; Artificial flowers and feathers; 5 learners (T); November 15, 1942.

Glove Industry

Alexette Glove Corp., 70–82 Bleecker St., Gloversville, New York; Leather dress gloves; 5 percent (T); October 5, 1943.

Burk-Sons Glove Mfg. Co., 785 Flushing Ave., Brooklyn, New York; Leather dress, fabric and half fabric and half leather gloves; 5 percent (T); October 5, 1943.

Andre S. David, Inc., 1219 Yonkers Ave., Yonkers, New York; Leather dress gloves; 2 learners (T); October 5, 1943.

Fairfield Glove & Mitten Co., 603 West Stone St., Fairfield, Iowa; Leather dress and knit fabric gloves; 5 percent (T); October 5, 1943.

Pittsburgh Glove Mfg. Co., 413–415 South Main St., Pittsburgh, Pennsylvania; Work gloves; 2 learners (T); October 5, 1943.

Wells Lamont Smith Corp., McMinnville, Oregon; Work gloves; 5 learners (T); October 5, 1943.

Hosiery Industry

Atlanta Hosiery Mills, 231 Oakland Ave., S. E., Atlanta, Georgia; Seamless hosiery; 5 percent (T); October 5, 1943.

Century Hosiery Corp., Webb Ave., Burlington, North Carolina; Seamless hosiery; 5 percent (T); October 5, 1943.

Chestertown Hosiery, Inc., Cannon & College Ave., Chestertown, Maryland; full-fashioned hosiery; 5 learners (T); October 5, 1943.

Great American Knitting Mills, Inc., Bechtelsville and Balley, Pennsylvania; Seamless hosiery; 5 percent (T); October 5, 1943.

Juvenile Hosiery Mills, Inc., Valley Park Drive, Greensboro, North Carolina; Seamless hosiery; 15 learners (E); June 5, 1943.

Mountcastle Knitting Co., Inc., Salisbury St., Lexington, North Carolina; Seamless hosiery; 5 learners (T); October 5, 1943.

Pickett Hosiery Mills, Inc., Trade St., Burlington, North Carolina; Seamless hosiery; 5 percent (T); October 5, 1943.

Pickwick Hosiery Mills, Inc., Corinth, Mississippi; Full-fashioned hosiery; 5 percent (T); October 5, 1943.

Roseglen Knitting Mills, 129 South Harvin St., Sumter, South Carolina; Seamless hosiery; 5 learners (T); October 5, 1943.

Knitted Wear Industry

Logan Knitting Mills & Garment Co., Logan, Utah; Knitted outerwear; 30 learners (E); April 5, 1943.

Textile Industry

Brand Rug Co., 2415 N. Howard St., Philadelphia, Pennsylvania; Rag rugs; 2 learners (T); October 5, 1943.

A. D. Juilliard & Co., Inc., Aragon Mills Division, Aragon, Georgia; Cotton duck; 3 percent (T); October 5, 1943. (This certificate replaces the one bearing the expiration date of December 26, 1942).

Shapiro & Son Curtain Corp., 659 N. 13th St., Easton, Pennsylvania; Bedspreads; 5 percent (T); October 5, 1943.

Signed at New York, N. Y., this 3d day of October 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-9919; Filed, October 5, 1942; 11:36 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6438]

WESTERN UNION TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of increased rates of The Western Union Telegraph Company for New York Stock Exchange quotation bond and stock ticker services.

At a session of the Federal Communications Commission held at its offices in Washington D. C., on the 29th day of September 1942;

It appearing that The Western Union Telegraph Company has filed with the Commission tariff schedules, to become effective October 5, 1942, stating increased charges for and in connection with New York Stock Exchange quotation service furnished by means of tickers to subscribers located in the United States, including the receipt, transmission, and delivery of New York Stock Exchange quotations by ticker, and discontinuing the rates for such service furnished to subscribers located within the State of New York; said tariff schedules being designated as follows: The Western Union Telegraph Company Tariff F.C.C. No. 198, 5th Revised page 32, 4th Revised page 33, 6th Revised page 34, 7th Revised page 35, 8th Revised page 36, 8th Revised page 37, 3rd Revised page 38, 7th Revised page 39, 12th Revised page 40, 7th Revised page 41, 12th Revised page 42, 8th Revised page 43, 11th Revised page 44.

It further appearing that said tariff schedules state increased charges for telegraph communications in interstate commerce; that the rights of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said tariff schedules should be suspended pending hearing and decision as to their lawfulness;

It further appearing that the discontinuance of charges for New York Stock Exchange quotations by ticker to subscribers located within the State of New York may result in The Western Union Telegraph Company engaging or participating in interstate communication service without having on file with the Commission schedules of charges as required by the Communications Act of 1934, as amended, and the Rules and Regulations promulgated by the Commission pursuant thereto;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the increased charges contained in said tariff schedules, and of the discontinuance of the filing with the Commission of the charges for New York Stock Exchange quotations by ticker furnished to subscribers located within the State of New York.

It is further ordered, That the operation of the increased charges, and of the discontinuance of the filing with the Commission of charges applicable to subscribers located within the State of New York, as provided in said tariff schedules, be suspended; that the use of such increased charges, and the discontinuance of the filing with the Commission of charges for New York Stock Exchange quotations by ticker furnished to subscribers within the State of New York, be deferred for a period of three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such charges or the charges sought to be altered, unless otherwise authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of The Western Union Telegraph Company as set forth in its tariffs F.C.C. Nos. 185, 198, 208, and 216; and into the matter of whether charges for New York Stock Exchange quotations by ticker furnished to subscribers located within the State of New York should be filed with this Commission;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, The Western Union Telegraph Company and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by each of them by reason of any increase in charges effected thereby; in which accounts each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That The Western Union Telegraph Company and each participating carrier shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing February 10, 1943, showing the amounts accounted for as aforesaid, during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that copies hereof be served upon the carrier parties to such tariff schedules; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10 a. m. on the 5th day of November, 1942, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9850; Filed, October 3, 1942; 10:53 a. m.]

[Docket No. 6439]

CONTINENTAL TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of Continental Telegraph Company, discontinuance of "Tourate" messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September, 1942;

It appearing that there have been filed with the Commission First Revised Page 2 and First Revised Page 30 to Continental Telegraph Company Tariff F.C.C. No. 3, effective October 6, 1942, which provides for the discontinuance of a classification of telegraph communications described as "Tourate";

It further appearing that said discontinuance of the "Tourate" classification makes increases in rates and charges and states regulations and practices effecting such increases in rates and charges for the transmission of telegraph communications in interstate commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commisssion that the effective date of said tariff provisions should be postponed pending hearing and decision thereon;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations and practices contained in said First Revised Page 2 and First Revised Page 30 to Continental Telegraph Company Tariff F.C.C. No. 3, insofar as they relate to the discontinuance of the classification of "Tourate" communications;

It is further ordered, That the operation of said tariff schedules, First Revised page 2 and First Revised page 30 to Continental Telegraph Company Tariff F. C. C. No. 3, insofar as they will result in an increase of rates and charges for delivery of interstate telegraph communications classified as "Tourate" communications, be suspended; and that the use of the rates, charges, regulations and practices therein stated as applicable to such "Tourate" communications be deferred until January 6, 1943, unless otherwise ordered by the Commission; and

during said period of suspension no change shall be made in such rates, charges, regulations and practices or in the rates, charges, regulations and practices sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of Continental Telegraph Company for and in connection with "Tourate" communications;

It is further ordered, That in the event a decision as to the lawfulness of the rates, charges, classifications, regulations, practices and services herein suspended has not been made during the suspension period, and increased charges shall be made effective with respect to "Tourate" communications, Continental Telegraph Company, and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission each keep accurate account of all amounts received by each of them by reason of any increase in charges effected thereby; in which account each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That Continental Telegraph Company, and each participating carrier, shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing February 10, 1943, showing the amounts received and accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff herein suspended in part; that copies hereof be served upon the carrier parties to such tariff; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this matter be, and the same is, hereby consolidated with the proceedings heretofore commenced herein by our order of September 15, 1942, in Docket No. 6429, and this matter is hereby assigned for hearing at 10 o'clock a. m. on the 15th day of October 1942, at the office of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9851; Filed, October 3, 1942; 10:53 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4815]

LEKAS AND DRIVAS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 19, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9857; Filed, October 3, 1942; 11:49 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 191]

2,396 ADDITIONAL SHARES OF THE CAPITAL STOCK OF BUFFALO ELECTRO-CHEMICAL COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

1,596 shares of no par value common capital stock of Buffalo Electro-Chemical Company, Inc., a New York corporation, Buffalo, New York, which is a business enterprise within the United States, which shares are owned by Holding A. G. Fuer Merck-Unternehmungen (also known as Merck Holding Co.), which latter corporation is listed on The Proclaimed List of Certain Blocked Nationals, and the last known address of which was represented to the undersigned as being Bahnhof-Strasse 23, Zug, Switzerland,

is property of, and represents an interest in said business enterprise which is, a national of a foreign country (Switzerland), and having determined, and certified to the Secretary of the Treasury, that it is necessary in the national interest to vest such property;

(b) That the property described as follows:

800 shares of the same capital stock, which shares are owned by Margot Francke, a Swiss citizen, whose last known mailing address is c/o C. A. Buerk, President of Buffalo Electro-Chemical Company, Inc., Buffalo, New York, and who is holding such shares for the benefit of Ruth von Falkenstein, a German citizen, whose address is presently unknown,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany);

which 1,596 shares hereinbefore described in subparagraph (a), and the 800 shares hereinbefore described in subparagraph (b), make a total of 2,396 shares which constitute a substantial part, namely, 22.608%, of all outstanding shares of such corporation, and which 2,396 shares are in addition to the 3,691 shares (which constitute 34.827% of all outstanding shares and which when added to the 2,396 shares vested by this order make an aggregate sum of 6,087 shares, which sum constitutes 57.435% of all outstanding shares) of the same capital stock which were vested by the undersigned pursuant to Vesting Order Number 42 of July 1, 1942; and

(c) That the property described as follows:

All unpaid dividends heretofore declared on the 800 shares hereinbefore described in subparagraph (b),

is an interest in the aforesaid business enterprise held by, and is property within the United States owned by, a national of a designated enemy country (Germany);

and determining that to the extent that any or all of the nationals hereinbefore mentioned in subparagraphs (b) and (c) hereof are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise

[1] 7 F.R. 1971.

within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9830; Filed, October 2, 1942; 3:54 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 2-4]

PENNSYLVANIA-READING SEASHORE LINES

SUBSTITUTION OF MOTOR VEHICLE FOR ALL RAIL PASSENGER SERVICE

Upon consideration of the application for authority to substitute motor vehicle service for certain railroad passenger service filed with this Office by Pennsylvania-Reading Seashore Lines, as contemplated by General Order O.D.T. No. 2,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. Pennsylvania - Reading Seashore Lines is authorized to substitute motor vehicle bus service between 51st Street, Ocean City, New Jersey and Sea Isle City, New Jersey, to be operated by Public Service Interstate Transportation Company under a contract with Pennsylvania-Reading Seashore Lines, for the passenger, express and baggage train service now operated between such points: *Provided, however,* That Pennsylvania-Reading Seashore Lines shall apply for and obtain from the appropriate regulatory bodies authority to abandon such rail service and to remove the rail over which it is conducted, and shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with the appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further notice, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

2. This order shall become effective October 5, 1942.

Issued at Washington, D. C., this 5th day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9924; Filed, October 5, 1942; 11:46 a. m.]

[1] 7 F.R. 2952.

OFFICE OF PRICE ADMINISTRATION.

[Amendment 4 to Administrative Notice 1[1]]

J. I. CASE COMPANY

ORDER GRANTING EXCEPTION

During the fall and winter of 1941-1942, when the Office of Price Administration requested manufacturers of a wide variety of machines and parts not to increase prices, such manufacturers were advised that exceptions would be considered where maintenance of requested prices caused undue hardship. A certain number of exceptions have been granted to manufacturers filing applications supported by proper data. A list of these exceptions is contained in Administrative Notice No. 1 and three amendments thereto.[1]

By inadvertence J. I. Case Company, Racine, Wisconsin was not included in the Administrative Notice and the amendments thereto.

Pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942: *It is hereby ordered,* That:

An exception be granted to J. I. Case Company, Racine, Wisconsin permitting that company to sell, offer to sell and deliver its industrial tractors, engine units, and repair parts therefor at the prices it had in effect on November 1, 1941.

The Price Administrator hereby confirms the granting of this exception.

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9846; Filed, October 2, 1942; 4:55 p. m.]

[Order 4 Under Revised Price Schedule 20, as Amended—Copper Scrap and Copper Alloy Scrap—Docket 3020-7]

HARRY BUTTER & CO., INC.

ORDER DENYING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1309.71 (i) (4) of Revised Price Schedule No. 20, as amended—Copper Scrap and Copper Alloy Scrap, *It is hereby ordered:*

(a) That the petition for exception filed by Harry Butter & Co., Inc., under § 1309.71 (i) (4) of Revised Price Schedule No. 20, as amended, and assigned Docket No. 3020-7, be, and it hereby is denied.

(b) This Order No. 4 shall become effective October 5, 1942.

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9868; Filed, October 3, 1942; 12:01 p. m.]

[1] 7 F.R. 3690, 5453, 5688, 2984.

[Order 23 Under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers—Docket 3122-135]

CHARLES GASPERI

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Charles Gasperi of Novinger, Missouri, may sell and deliver, and the publicly operated schools of Adair County, Missouri, including state operated colleges in such county, may buy and receive lump and nut coal at prices no higher than those set forth in paragraph (b) below;

(b) The maximum prices for such sales above stated shall consist of the present applicable maximum prices as established pursuant to § 1340.261 of Maximum Price Regulation No. 122 plus the following items and amounts of increased cost to said Charles Gasperi:

Coal	Mine cost increase	Truck rate increase	Maximum total increase
Lump	$0.30	$0.10	$0.40
Nut	.25	.10	.35

Provided, That such items and amounts of increased cost to said Charles Gasperi may be added only if and solely to the extent that such cost increases have been incurred by said Charles Gasperi on coal sold to the publicly operated schools of Adair County, Missouri, for consumption during the 1942-43 heating season;

(c) This Order No. 23 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 23 shall become effective October 5, 1942.

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9869; Filed, October 3, 1942; 12:02 p. m.]

[Order 17 Under Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

PRIZER-PAINTER STOVE WORKS

ORDER APPROVING MAXIMUM PRICES

In the first item under "Model No." of the table in paragraph (a), appearing on page 7648 of the issue for September 26, 1942, "393-E" should be "395-E". In the fifth line under the table in the same

paragraph "313 AL Perfect" should be "818AL Perfect", and in the next line "18-E Modern" should be "18-K Modern".

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-549, 70-551, 70-563, 70-602, 70-604]

ASSOCIATED ELECTRIC CO., ET AL.

NOTICE OF FILING, ETC.

In the matter of Associated Electric Company, File No. 70-549; NY PA NJ Utilities Company, File No. 70-551; Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company and Associated Electric Company, File No. 70-563; Pennsylvania Electric Company, Bradford Electric Company and Associated Electric Company, File No. 70-602; and NY PA NJ Utilities Company, File No. 70-604.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of October 1942.

The Commission, on June 17, 1942, having issued its Notice of Filing and Order for Hearing and Order for Consolidation, In the Matters of Associated Electric Company, File No. 70-549, NY PA NJ Utilities Company, File No. 70-551, and Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company, and Associated Electric Company, File No. 70-563, in regard to certain applications and declarations concerning a proposal of exchange between NY PA NJ Utilities Company and Associated Electric Company, (both registered holding companies and subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company) of the former's holdings in Keystone Public Service Company, for certain of its securities now held by Associated Electric Company; and also in regard to the acquisition by Associated Electric Company, for cash, from Keystone Public Service Company, of the investment portfolio held by the latter, the donation by Associated Electric Company to Keystone Public Service Company of certain preferred shares of the latter company, the redemption by Keystone Public Service Company of all its preferred shares, the acquisition by Pennsylvania Electric Company of the assets and the assumption of the liabilities of Keystone Public Service Company, for cash, the dissolution of Keystone Public Service Company, and the distribution of the cash proceeds held by it to Associated Electric Company, the issue at private sale by Pennsylvania Electric Company of a promissory note to obtain cash necessary to consummate the foregoing transactions, and the acquisition by Pennsylvania Electric Company of a portion of the facilities of Penelec Water Company (a subsidiary of Associated Electric Company); and

The Commission having held hearings on the above consolidated matters and the record therein having been closed on August 13, 1942; and

An amendment to the declarations and applications (File No. 70-563) having been filed on September 15, 1942, whereby the following changes in the declarations and applications as formerly filed are proposed:

1. In lieu of the proposals whereby Associated Electric Company would acquire the investment portfolio of Keystone Public Service Company for cash, and Pennsylvania Electric Company would acquire the remaining assets of Keystone Public Service Company for cash, the amended applications and declarations now propose that Pennsylvania Electric Company will acquire all of the assets of Keystone Public Service Company, including its investment portfolio (and assume its liabilities), in exchange for 20,898 shares of the common stock of Pennsylvania Electric Company at its par value of $20 per share. Keystone Public Service Company then proposes to dissolve and transfer to Associated Electric Company the 20,898 shares of common stock of Pennsylvania Electric Company obtained by it, this to be in lieu of the transfer of the net cash proceeds as contemplated under the original filing.

2. Pennsylvania Electric Company proposes to acquire that portion of the property of Penelec Water Company used to supply the Seward Generating Plant of Pennsylvania Electric Company, issuing in consideration therefor 15,362 shares of the common stock of Pennsylvania Electric Company at its par value of $20 per share; the considerations stated to be based on the estimated original cost of the property to be acquired, less provisions for retirements applicable thereto. The issuance of the shares in payment of the purchased facilities is to be in lieu of the cash consideration designated under the original filing.

3. It is further proposed that the 15,362 shares thus obtained by Penelec Water Company will be transferred to Associated Electric Company at its par value of $20 per share, and the open account owed by Penelec Water Company to Associated Electric Company will be reduced by such value of shares transferred, or the book value of assets sold, whichever is greater; and

Pennsylvania Electric Company, Bradford Electric Company, a subsidiary of NY PA NJ Utilities Company, and Associated Electric Company, having filed, on September 18, 1942, applications and declarations, in File No. 70-602, and NY PA NJ Utilities Company, having filed, on September 23, 1942, applications and declarations in File No. 70-604, regarding transactions supplementary to the transactions which are the subject of the declarations and applications filed in File Nos. 70-549, 70-551 and 70-563, as amended, such supplementary transactions consisting of the following:

(a) Pennsylvania Electric Company proposes to acquire from Associated Electric Company $875,500 principal amount of NY PA NJ Utilities Company 5% Debentures due January 15, 1952 (at the purported market price of 85% of principal amount), and $28,500 principal amount of the Mohawk Valley Company 6% Consolidating Refunding Bonds due 1981 (at the purported market price of 95% of principal amount), issuing in consideration therefor 38,562 shares of its common stock at its par value of $20 per share, plus accrued interest in cash;

(b) Pennsylvania Electric Company proposes to acquire from NY PA NJ Utilities Company all of the 3,000 shares of common stock of Bradford Electric Company, delivering in consideration therefor $1,731,500 principal amount of NY PA NJ Utilities Company 5% Debentures due January 15, 1952, and $28,500 principal amount of the Mohawk Valley Company 6% Consolidating Refunding Bonds due 1981, adjustment to be made in cash for accrued interest and for the undistributed earnings of Bradford Electric Company from May 1, 1942, to date of closing;

(c) Pennsylvania Electric Company and Bradford Electric Company propose to enter into an agreement with The Equitable Assurance Society of the United States providing for a change in the terms and conditions of the present loan agreement between Bradford Electric Company and The Equitable Life Assurance Society of the United States, and providing for the consent by the latter to the acquisition by Pennsylvania Electric Company of all assets and the assumption of all liabilities of Bradford Electric Company, including the assumption by Pennsylvania Electric Company of Bradford Electric Company's obligation under said loan agreement, as modified, and a note of Bradford Electric Company to The Equitable Life Assurance Society of the United States, dated November 30, 1939;

(d) Pennsylvania Electric Company proposes to acquire the assets and assume all liabilities (including the liability under the note payable to The Equitable Life Assurance Society of the United States) of Bradford Electric Company, transferring to Bradford Electric Company, in consideration therefor, all of the outstanding capital stock of the Bradford Electric Company. It is proposed that Bradford Electric Company will thereupon be dissolved.

The applicants and declarants consider sections 6 (a), 6 (b), 9 (a), 9 (b) (1), 10, 12 (b), 12 (c) and 12 (f) of the Act and Rules U-42, U-43, U-45 and U-50 of the General Rules and Regulations as being applicable to the proposed transactions contemplated by the amendment to File No. 70-563.

The applicants and declarants consider sections 6 (a), 6 (b), 9 (a), 9 (b) (1), 12 (c), 12 (d) and 12 (f) of the Act and Rules U-42, U-43, and U-44 of the General Rules and Regulations as being applicable to the proposed transactions contemplated in File Nos. 70-602 and 70-604.

It appearing that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to the said applications and declarations filed with this Commission as an amendment to File No. 70-563, and that said declarations shall not become effective nor said ap-

plications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth; it further appearing that the consolidated record in File Nos. 70–549, 70–551, and 70–563 having been closed, and that, as a result of the filing of the amendment to File No. 70–563, that the record in that consolidated proceeding should be reopened;

It further appearing that the foregoing matters filed under File Nos. 70–602 and 70–604 are related to, and that the evidence offered in respect to each of such matters may have a bearing upon, the matters consolidated by the order of the Commission dated June 17, 1942, and that substantial savings of time and expense will result if the matters are further consolidated;

It is hereby ordered, That the consolidated records in File Nos. 70–549, 70–551, and 70–563 be and hereby are reopened;

It is further ordered, That such proceedings (File Nos. 70–549, 70–551 and 70–563) be and hereby are consolidated with the applications and declarations filed in File Nos. 70–602 and 70–604.

It is further ordered, That the hearing on said matters so consolidated be held on October 21, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations shall become effective and such applications shall be granted.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by the amended applications and declarations of Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company and Associated Electric Company, and by the applications and declarations filed by Pennsylvania Electric Company, Bradford Electric Company and Associated Electric Company, and by the applications and declarations filed by NY PA NJ Utilities Company, nor the scope of the issues presented in the Commission's order dated June 17, 1942, particular attention will be directed at said hearing to the following matters and considerations, in addition to those specified heretofore:

10. Whether the consideration to be paid by Pennsylvania Electric Company for the assets of Keystone Public Service Company (including the investment of Keystone Public Service Company in Citizens Transit Company and NY PA NJ Utilities Company) is reasonable and whether the acquisition of the assets is in the public interest and in the interest of investors in and consumers of Pennsylvania Electric Company;

11. Whether the consideration to be paid by Pennsylvania Electric Company for the portion of the property of Penelec Water Company used to supply to the Seward Generating Plant of Pennsylvania Electric Company is reasonable and whether the acquisition of the assets is in the public interest and in the interest of investors in and consumers of Pennsylvania Electric Company;

12. Whether the consideration to be paid by Pennsylvania Electric Company for the debentures and bonds held by Associated Electric Company is reasonable;

13. Whether the consideration to be paid by Pennsylvania Electric Company for the common stock of Bradford Electric Company is reasonable and whether the acquisition is in the public interest and in the interest of the investors in and consumers of Pennsylvania Electric Company and Bradford Electric Company;

14. Whether the assumption by Pennsylvania Electric Company of the obligation of Bradford Electric Company to The Equitable Assurance Society of the United States is contrary to the public interest or to the interest of the investors in and consumers of Pennsylvania Electric Company and Bradford Electric Company;

15. Whether the consideration to be received by NY PA NJ Utilities Company for the common stock of Bradford Electric Company is reasonable;

16. Whether the acquisition by Pennsylvania Electric Company of Bradford Electric Company will serve the public interest by tending towards the economic and efficient development of an integrated public utility system;

17. Whether terms and conditions are necessary to be imposed upon various transactions which are subjects of the amended declarations and applications (File No. 70–563) and of the declarations and applications at File Nos. 70–602 and 70–604, to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors or consumers. It is requested that any person desiring to be heard and to be admitted as a party to such proceeding shall file with the Secretary of the Commission on or before October 17, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-9825; Filed, October 2, 1942; 2:26 p. m.]

[File No. 70-601]

FEDERAL WATER AND GAS CORP. AND PEOPLES LIGHT AND POWER CO.

NOTICE OF FILING AND ORDER FOR CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of September 1942.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Peoples Light and Power Company and Federal Water and Gas Corporation, both registered holding companies. All interested persons are referred to said document, which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Peoples Light and Power Company proposes to sell, and Federal Water and Gas Corporation proposes to purchase, all of the outstanding 5,000 shares of common stock of Mississippi Public Service Company for $420,000 in cash. Peoples Light and Power Company proposes to apply the proceeds from such sale and other available cash to the reduction of its outstanding Serial Notes payable to a bank.

The applications and declarations recite that section 10, 11 (b) and 12 (d) of the Public Utility Holding Company Act of 1935 are applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect to each of said matters may have a bearing on the other matter; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on October 27, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations shall become effective and why such applications shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and appli-

cants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That the hearings on said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning such proceeding or proceedings, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record in the other matters; and

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisition by Federal Water and Gas Corporation will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

2. Whether the proposed acquisition by Federal Water and Gas Corporation is detrimental to the carrying out of the provisions of section 11 of said Act.

3. Whether the proposed acquisition by Federal Water and Gas Corporation will unduly complicate the capital structure of the holding company system of that company or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system.

4. Whether the consideration to be paid by Federal Water and Gas Corporation and to be received by Peoples Light and Power Company is reasonable and bears a fair relation to the sums invested in and the earning capacity of the utility assets underlying the securities which are the subject matter of the proposed transaction.

5. Whether competitive conditions have been maintained in the negotiations of the proposed transactions.

6. Whether any terms and conditions should be imposed to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935.

7. Whether such sale is a necessary step to effectuate the provisions of section 11 (b) as stated in the application herein.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9826; Filed, October 2, 1942; 2:27 p. m.]

[File No. 59-12]

ELECTRIC BOND AND SHARE CO., ET AL.

ORDER REINSTATING PARTY RESPONDENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of October A. D. 1942.

In the matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, and Ebasco Services Incorporated, Respondents.

The Commission having on May 9, 1940 instituted the above-entitled proceeding under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against Electric Bond and Share Company and various of its subsidiary companies including American & Foreign Power Company, Inc.; and

The Commission having on June 17, 1940 issued an order dismissing said American & Foreign Power Company, Inc. as a party to the aforementioned proceeding, such dismissal, however, expressly being "without prejudice to any future appropriate proceedings involving said American & Foreign Power Company, Inc. under section 11 (b) (2) or any other section of the Public Utility Holding Company Act of 1935 * * *"; and

It appearing to the Commission appropriate that said American & Foreign Power Company, Inc. should now be reinstated as a party to the aforementioned proceeding:

It is ordered, That American & Foreign Power Company, Inc., be, and it hereby is, made a party to the above-entitled proceeding and that all allegations in the Commission's original Notice of and Order For Hearing in said proceeding dated May 9, 1940 shall be applicable to said American & Foreign Power Company, Inc. to the same extent and with the same force and effect as though fully set forth herein; and

It is further ordered, That notice of the foregoing shall be given to said American & Foreign Power Company, Inc., and to the other respondents and parties in this proceeding by registered mail, and to all other interested persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9853; Filed October 3, 1942; 10:57 a. m.]

[File No. 70-603]

CAROLINA POWER & LIGHT COMPANY AND NATIONAL POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of October, A. D. 1942.

Notice is hereby given that a declaration or application has been filed with this Commission under the Public Utility Holding Company Act of 1935 by Carolina Power & Light Company, a subsidiary of National Power & Light Company, and by National Power & Light Company, a registered holding company. All interested parties are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

National Power & Light Company proposes to surrender for cancellation to Carolina Power & Light Company, as a capital contribution to the latter, 1,442,609 shares of the common stock, without par value, of Carolina Power & Light Company. Upon surrender of said shares for cancellation, as aforesaid, Carolina Power & Light Company proposes to make the following adjustments to its accounts, as of January 1, 1942.

1. To segregate the amount of $42,812,762.81 appearing on its books as Capital Stock Liability, as of January 1, 1942, between preferred stock and common stock, so that the stated value for the $7 Preferred Stock, the $6 Preferred Stock and Common Stock will be $11,223,200, $8,153,300 and $23,643,099.81 respectively. In order that all shares of preferred stock may be stated at the liquidation value of $100 per share, the sum of $206,837 will be transferred to Capital Stock Account, of which amount $202,961.57 will be provided for from Earned Surplus and $3,875.43 by virtue of the cancellation of reacquired capital stock.

2. To cancel 1,573 shares of $7 Preferred Stock now held in the treasury, and 300 shares of $7 Preferred Stock and 1,079 shares of $6 Preferred Stock now held as Reacquired Capital Stock, and to reduce the $7 Preferred Stock Liability in the amount of $187,300 and the $6 Preferred Stock Liability in the amount of $107,900.

3. To transfer from Earned Surplus to a reserve account the sum of $150,000 to provide for a dividend on common stock in said amount declared on March 11, 1942, from earnings in 1941, and the sum of $30,000 to provide for a liability at December 31, 1941, under the escheat Laws of the State of North Carolina.

4. To transfer from Earned Surplus to a Contingency Reserve the sum of $865,831.97, to provide for the disposition of amounts hereafter determined to be charged to Electric Plant Adjustments and any remaining amount of such reserve to be used for other corporate purposes.

5. To reduce Capital Stock Liability in the amount of $13,643,099.81 by crediting such amount to Capital Surplus.

6. To reclassify the sum of $18,648,438 to Electric Plant Adjustments and to credit this amount to Electric Plant in Process of Reclassification.

7. To dispose of the amount of $18,648,438, reclassified to Electric Plant Adjustments, by charging $5,005,338.19 to Earned Surplus and $13,643,099.81 to

Capital Surplus created as set forth in Item 5.

The declarants state that the proposed transactions summarized above are related to the "settlement of an accounting controversy" of Carolina Power & Light Company with the Federal Power Commission regarding the reclassification of the Plant Account of Carolina Power & Light Company as provided by the Federal Power Commission Uniform System of Accounts prescribed for Public Utilities and Licensees.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration shall not become effective and said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder be held on October 14, 1942, at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk. All persons desiring to be heard or otherwise wishing to participate in the proceedings, shall notify the Commission in the manner provided by Rule XVIII of the Commission's Rules of Practice, on or before October 9, 1942.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions will be detrimental to the public interest or the interest of investors or consumers, and specifically whether such transactions will be detrimental to the interests of the holders of the senior securities of Carolina Power & Light Company, or of the security holders of National Power & Light Company.

2. Whether the proposed transactions will result in an unfair or inequitable distribution of voting power among holders of the securities of Carolina Power & Light Company.

3. Whether it is necessary to impose any terms or conditions, including terms or conditions relating to future dividend payments, to assure compliance with the requirements of the Act or any rules and regulations promulgated thereunder.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Carolina Power & Light Company and to National Power & Light Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-9893; Filed, October 5, 1942; 10:31 a. m.]

[Files Nos. 2-4869, 2-4914, 811-457, 811-463]

MUTUAL FUNDS, INCORPORATED, ET AL.

ORDER CHANGING PLACE OF HEARING, ETC.

In the matter of proceeding under sections 14 (a) and 40 (a) of the Investment Company Act of 1940, to determine whether the effectiveness of registration statements of Mutual Funds, Incorporated, Files No. 2-4869 and No. 2-4914, under the Securities Act of 1933, as amended, should be suspended and whether the registrations of Mutual Funds, Incorporated, File No. 811-457, and Mutual Funds Trust, File No. 811-463, under the Investment Company Act of 1940, should be suspended or revoked.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of October, A. D. 1942.

The Commission having heretofore, on September 25, 1942, designated William W. Swift, an officer of the Commission, to take evidence at a hearing to be held in the matter of Mutual Funds Incorporated and Mutual Funds Trust, under section 40 (a) of the Investment Company Act of 1940, at the office of the Securities and Exchange Commission in Philadelphia, Pennsylvania, on October 12, 1942; and

The registrant having subsequently requested that the place of such hearing be changed;

It is ordered, That the foregoing designation of the said William W. Swift is hereby rescinded, and

It is further ordered, That such hearing be convened on October 12, 1942, at ten A. M. Central War Time in Room 527, United States Court House, Kansas City, Missouri, and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

Upon completion of the testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-9894; Filed, October 5, 1942; 10:31 a. m.]

[File No. 54-42]

CENTRAL STATES UTILITIES CORPORATION

ORDER POSTPONING HEARING

In the matter of Central States Utilities Corporation, Central States Power & Light Corporation, and Ogden Corporation.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3rd day of October, A. D., 1942.

Central States Utilities Corporation, Central States Power & Light Corporation, and Ogden Corporation, the applicants herein, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing or the liquidation and dissolution of Central States Power & Light Corporation and Central States Utilities Corporation;

Amendments having been filed concerning the proposed acquisition by Central States Power & Light Corporation of all of the property and assets of its wholly owned subsidiary, Missouri Electric Power Company, subject to its liabilities, the resale of such property and certain assets (cash excepted) to Sho-Me Power Cooperative, a Missouri cooperative, for a consideration of approximately $2,500,000, and the utilization of the proceeds derived from such sale to make a pro rata partial payment to the holders of Central States Power & Light Corporation's First Mortgage and First Lien Gold Bonds, 5½% Series due January 1, 1953, or under certain circumstances to acquire a portion of such Bonds pursuant to a solicitation for tenders or by purchase on the open market at 100 and accrued interest, as more fully described in the Notice of an Order for Hearing issued by the Commission on September 25, 1942, (Holding Company Act Release No. 3815); and

The Commission having ordered that a hearing in the above entitled matter be held on October 7, 1942 and applicants herein having requested that such hearing be postponed; and

It appearing to the Commission that such request should be granted;

It is ordered, That such hearing be and it hereby is postponed to October 28, 1942 at 10 o'clock in the forenoon.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-9895; Filed, October 5, 1942; 10:32 a. m.]

[Files Nos. 54-56, 59-33, 70-263, 70-371, 70-387, 70-43, 70-431]

COLUMBIA GAS & ELECTRIC CORPORATION, ET AL.

ORDER APRROVING PLAN AND REQUIRING REDISTRIBUTION OF VOTING POWER

In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, and File No. 54-56; Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation,

to from following page

and The Ohio Fuel Gas Company, File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of October 1942.

Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, its subsidiary, have filed a joint application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan to effectuate the provisions of section 11 (b) of the Act with respect to the interest of both companies in Panhandle Eastern Pipe Line Company, a direct subsidiary of Columbia Oil and an indirect subsidiary of Columbia Gas, the elements of which plan are summarized as follows:

1. Columbia Oil will surrender to Panhandle Eastern the 10,000 shares of Class B Preferred stock of Panhandle held by Columbia Oil, against payment to Columbia Oil of the cash sum of $1,000,000 plus accrued dividends to the date of surrender and payment;

2. Columbia Oil will sell to Phillips Petroleum Company for the cash sum of $10,436,826, subject to interest and dividend adjustments, Columbia Oil's holdings of common stock of Panhandle Eastern consisting of 404,326 shares or 50.1% of the common shares outstanding; and will receive from Phillips, as further consideration for such sale, general releases from Missouri-Kansas Pipe Line Company and others in favor of Columbia Oil and Columbia Gas, their respective officers and directors, together with court orders dismissing with prejudice the various actions brought against them or any of them by Missouri-Kansas Pipe Line Company and others;

3. The sales described in paragraphs 1 and 2 above will be exempted from the requirements of competitive bidding imposed by Rule U-50 of the General Rules and Regulations promulgated under the Act;

4. Columbia Oil will be wound up on the following terms and conditions:

(a) Payment in full of all indebtedness, including debentures held by Columbia Gas, together with accrued interest thereon to the date of payment;

(b) Distribution to the common stockholders of Columbia Oil, in full settlement of all their rights and interest in the corporation, of the sum of $1 per share in cash.

(c) Transfer of all remaining assets to Columbia Gas as holder of all the outstanding preferred stock.

5. The plan provides that neither it nor the transactions contemplated therein shall become binding upon Columbia Oil unless and until they are authorized and consented to by affirmative vote of the holders of the requisite amount of common and prefered stock of Columbia Oil at a stockholders' meeting duly called to act thereon, as provided by the laws of the State of Delaware and its certificate of incorporation, as amended.

The Commission issued a Notice of Filing and Order for Hearing on said application and plan, and hearings were held in which all security holders of the applicant and other interested persons were given opportunity to be heard;

The proceeding on the plan was consolidated, for purposes of consideration by the Commission, with a proceeding under section 11 (b) (2) of the Act involving the alleged unfair and inequitable distribution of voting power among the security holders of Columbia Oil, as to which matter hearings had already been held after appropriate notice, in which all security holders of Columbia Oil and other interested persons were given opportunity to be heard;

Briefs were exchanged and filed with respect to the plan and the proceedings under section 11 (b) (2), and the Commission heard oral argument;

The Commission has considered the record with respect to these matters and finds that the proposed 11 (e) plan is fair and equitable to the persons affected thereby and is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and should be approved subject to the terms and conditions hereinafter enumerated; and finds further, that compliance with paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate within the meaning of paragraph (a) (5) of said rule with respect to the sales of Panhandle Eastern preferred and common stocks contemplated by said plan; and the Commission also finds that the distribution of voting power among the security holders of Columbia Oil is unfair and inequitable, and that it is necessary, to ensure the elimination of such unfair and inequitable distribution of voting power, that the present stock capitalization of Columbia Oil be changed into a single class of common stock unless the above described plan is duly consummated. Accordingly,

It is ordered, On the basis of the foregoing and pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, that the above described plan be, and the same is, hereby approved as filed, subject to the following terms and conditions:

1. That the Commission reserves jurisdiction to pass upon the fees and expenses of Columbia Gas, Columbia Oil and Panhandle Eastern with respect to the plan, as well as any contribution which Panhandle Eastern may be called upon to make as reimbursement to Missouri-Kansas Pipe Line Company for its fees and expenses in connection with litigation with Columbia Oil and Columbia Gas.

2. That the consummation of the plan shall not serve to affect any legal or equitable rights or causes of action which the common stockholders of Columbia Oil may have as individuals and on their own behalf; but this condition shall not have the effect of preserving any legal or equitable rights which such stockholders may have as a class or derivatively on behalf of Columbia Oil.

Further ordered, Pursuant to section 11 (b) (2) of said Act, that Columbia Oil shall distribute voting power among its security holders on a fair and equitable basis by changing its present stock capitalization into a single class of common stock, in an appropriate manner not in contravention of the provisions of said Act or the rules, regulations or orders thereunder: *Provided, however*, That if the above described plan is duly consummated, such action will be deemed to constitute compliance with this order.

More detailed findings and the opinion of the Commission will be issued in due course.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9896; Filed, October 5, 1942; 10:32 a. m.]

WAR PRODUCTION BOARD.

[Certificate 17]

RECOMMENDATION OF THE PETROLEUM COORDINATOR FOR WAR

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 45, Amended, dated October 5, 1942,[1] of the Petroleum Coordinator for War.

I hereby approve said Recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

Date: SEPTEMBER 29, 1942.

[F. R. Doc. 42-9862; Filed, October 3, 1942; 11:44 a. m.]

[1] See Title 32, Chapter XIII, *supra*.